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**INVESTIGATION OF IMPROPER ACTIVITIES IN THE  
LABOR OR MANAGEMENT FIELD**

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**HEARINGS**

**BEFORE THE**

**SELECT COMMITTEE**

**ON IMPROPER ACTIVITIES IN THE  
LABOR OR MANAGEMENT FIELD**

**EIGHTY-FIFTH CONGRESS**

**FIRST AND SECOND SESSIONS**

**PURSUANT TO SENATE RESOLUTIONS 74 AND 221, 85TH CONGRESS**

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**SEPTEMBER 26, OCTOBER 28, 1957**

**APRIL 15, 16, 17, 18, AND 22, 1958**

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**PART 27**

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**Printed for the use of the Select Committee on Improper Activities in the  
Labor or Management Field**





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\*May be found in the files of the select committee.

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# INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

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THURSDAY, SEPTEMBER 26, 1957

UNITED STATES SENATE,  
SELECT COMMITTEE ON IMPROPER ACTIVITIES  
IN THE LABOR OR MANAGEMENT FIELD,  
*Washington, D. C.*

The select committee met at 10 a. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee), presiding.

Present: Senator John L. McClellan, Democrat, of Arkansas; Senator Pat McNamara, Democrat, of Michigan; Senator Karl E. Mundt, Republican, of South Dakota.

Also present: Robert F. Kennedy, chief counsel; Carmine S. Bellino, accounting consultant; Pierre E. G. Salinger, investigator; Arthur Kaplan, investigator; Ruth Young Watt, chief clerk.

The CHAIRMAN. Mr. Cohen, will you come around, please?

Will you be sworn, please?

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COHEN. I do.

## TESTIMONY OF RAYMOND COHEN; ACCOMPANIED BY HIS COUNSEL, JOHN R. CARROLL AND RICHARD H. MARKOWITZ

The CHAIRMAN. Will you state your name, your place or residence, and your business or occupation, please, sir?

Mr. COHEN. Raymond Cohen, secretary-treasurer and business manager of local 107, Highway Truck Drivers and Helpers, Philadelphia. I live at 1605 Brigantine Avenue, Brigantine, N. J.

The CHAIRMAN. That is local number what, please?

Mr. COHEN. Local 107.

The CHAIRMAN. Mr. Cohen, you have counsel representing you, do you?

Mr. COHEN. Yes.

The CHAIRMAN. Will you please identify yourself for the record?

Mr. CARROLL. My name is John R. Carroll, 2015 Land Title Building, Philadelphia.

Mr. MARKOWITZ. My name, sir, is Richard H. Markowitz, 735 PSFS Building, Philadelphia.

The CHAIRMAN. Mr. Cohen, have you been served with a subpoena to produce certain records and documents?

Mr. COHEN. Yes, sir.

The CHAIRMAN. Do you have the subpoena?

Mr. COHEN. Yes, sir.

The CHAIRMAN. May I have it, please? We can get the original, but could I use your copy?

(Document handed to the chairman.)

The CHAIRMAN. Mr. Cohen, you were served with a subpoena to appear before the committee on this date, September 26, 1957, and produce records in accordance with the sheet attached to the subpoena which reads as follows:

You will produce all records of the Highway Truck Drivers and Helpers Union, Teamster Local 107, AFL-CIO, for the period extending from January 1, 1951, to the present.

Cashbooks showing all receipts and all disbursements from January 1, 1951, to the present date.

All checks, stubs, and paid checks from January 1, 1951, to the present date.

All cash vouchers, invoices, sales slips, and memorandums purporting disbursements from January 1, 1951, to the current date.

All reports of audits by union representatives and/or certified public accountants from January 1, 1951, to the present.

Copies of all reports to the Internal Revenue Service, salaries and wages paid to officers, employees, and others, and taxes withheld from January 1, 1947, to the present date.

Copies of all contracts, agreements, and bulletins between local 107 and the employers of union members which govern wages, hours, benefits, and working conditions of the employees.

All payrolls from January 1, 1947, to the present date.

Petty cash journal, membership list, and dues records for all members, past and present.

All records and related correspondence pertaining to any loans to local 107 from any and all sources and pertaining to any loans made by local 107 to any other union, private business concern, corporation, or individual.

There is one other item and it will be treated separately. All personal records pertaining to the employees of local 107 for the period extending from January 1, 1947, to the present.

You were served with this subpoena, were you, Mr. Cohen?

Mr. COHEN. Yes, sir.

The CHAIRMAN. All right. Are you ready to comply with the subpoena? Have you brought your records the subpoena called for?

Mr. COHEN. Mr. Chairman, may I say something before we start?

The CHAIRMAN. Yes.

Mr. COHEN. I am here in response to your subpoena which was served on me yesterday.

The CHAIRMAN. May I ask you, Mr. Cohen, do you have a prepared statement?

Mr. COHEN. Well, it is a brief that I got together last night and this morning coming up in the plane.

The CHAIRMAN. What I am trying to determine is whether it is a statement to present something, or whether it is to be regarded as a part of your testimony. If it is a part of your testimony, you will be required to submit it.

Mr. COHEN. It is just an explanation, Mr. Chairman.

The CHAIRMAN. All right; proceed.

Mr. COHEN. Mr. Chairman, I am here in response to your subpoena which was served upon me yesterday in Miami Beach, Fla. In the subpoena, you ordered me to bring practically every record that my union has. I have done my best to comply. I think that you gentlemen should know that I don't feel that I have been treated decently by

this committee, or by your counsel, Mr. Kennedy. Three months ago without subpoena, and without any threat of subpoena, local 107 voluntarily invited your chief investigator in Philadelphia to come to the union office and inspect any books or records that he wanted to see. This offer was made in good faith. You accepted our offer and your investigators, lawyers, and accountants were given our conference room and all of our books and records to examine; if they chose, to copy. Several of your staff members spent 6 full weeks in our offices, examining all of these records that you now have subpoenaed. Nothing was held back from you.

In addition to that, we suggested to your investigators that if they had any questions at the conclusion of their examination, we would be willing to sit down with them and answer all questions.

After the completion of their examination, your staff members came back again, and for another 3 days reexamined our records. As you know, I went to Florida a week and a half ago for the purpose of attending the meetings of the constitution committee of the International Brotherhood of Teamsters, of which I am a member. In my absence, your chief investigator telephoned our counsel to arrange a meeting at our office for the purpose, as he said, of finding out more information from my secretary. This meeting was arranged. Instead of seeking information, all that your investigator did was to hand my secretary a subpoena demanding production not before you gentlemen, but in your investigators' office of every book and record they had already examined. My secretary, of course, is not the custodian of our records and could not possibly comply with your order, and we so informed your investigator and counsel. We suggested that rather than put us to the inconvenience of moving all of those bulky records we would make copies for you of whatever we felt you needed. We were told that your investigator and counsel would consider that offer and advise our counsel.

Instead of calling counsel as was expected, you subpoenaed me yesterday to be here this morning, even though you knew I was very busy in Miami. You knew the tremendous amount of work involved in collecting and producing all of those records, and you also knew that today was an important Jewish holiday. I don't think this is fair treatment for any witness before the Senate of the United States; especially I think it is unfair in view of all of the voluntary cooperation that we have given you.

Beyond that, I think it is improper in view of the fact that you led our counsel to believe that you would sincerely try to make a convenient arrangement for copying the records you needed.

I think it is outrageous in view of the fact that you issued your subpoena last Friday while our counsel was talking with your counsel in Detroit in an effort to enable the committee to get all of the information it wanted, an arrangement which you and your counsel apparently never intended to live up to. In spite of the unfair treatment which this committee has given us, I have brought everything that I was physically able to bring on such short notice and from such great distance.

The CHAIRMAN. Have you concluded.

Mr. COHEN. Yes, sir.

The CHAIRMAN. The Chair indulged you to read a statement. The Chair could have required you to submit that statement in advance.

I had no knowledge that you were going to take such a position and show such contempt for this committee. We have undertaken at all times to be fair with those who would cooperate with us, but there are two sides to this story. Mr. Counsel, do you wish to make an observation, and then I am going to proceed, and your records will be accepted, what you have brought, and you will be required to bring the others. Proceed.

Mr. KENNEDY. Mr. Chairman, we have examined the record of local 107 on the offices of local 107. It is a procedure that we have followed in other cities. Where it has been necessary to examine the books and records in our own office, we have made that request. That has been followed in almost every area that we have been in. For instance, out in Detroit, where we have been in the last 3 or 4 weeks, Mr. Fitzgerald has made the books and records of many local unions and the joint council available in our own office. There are reasons why we must examine the books and records in our own office. That is particularly true in the case of local 107.

No. 1, there were records that are missing, and No. 2, there are records that need to be examined by technicians, and we wanted to have those records. I said to the counsel for local 107 that we would do everything in our power not to inconvenience local 107, then we would make whatever records they were working with available to them. We have done that in every other city that we have worked in, and there have not been any complaints about it. We are willing to do the same thing there.

After I talked to the counsel and asked him to call Mr. Nulty and make arrangements like that, Mr. Nulty did not hear from him. It was then that I requested that the subpoena be issued by you, and that we have to take steps to get the records my subpoena that they would not make available to the committee voluntarily.

There are many items in 107 that are highly questionable, Mr. Chairman, that we will want to go into in detail with Mr. Cohen. We want to see the records and to see them in our own office and have them examined.

The CHAIRMAN. Do you have the records present? You brought some records?

Mr. COHEN. Yes, sir.

The CHAIRMAN. You are directed to turn over the records to the clerk of the committee at this time.

Mr. CARROLL. May I say these consist of six large and heavy cartons which are being brought up your stairway.

The CHAIRMAN. Do you now place them in the custody of the committee?

Mr. CARROLL. May I ask a question referring to that, sir?

The CHAIRMAN. You may ask it.

Mr. CARROLL. Could we inquire just how long you intend to keep these records?

The CHAIRMAN. We are going to keep them a sufficient length of time to make the use of them necessary to carry out this committee's function.

Mr. CARROLL. Can you give us an estimate of that length of time?

The CHAIRMAN. I cannot. I have not seen the records. We will do as we have always done. We will cooperate where we get cooperation.

Mr. CARROLL. As you know, sir, we are certainly cooperating.



Senator MUNDT. I think we can assure the counsel that if there are items in the records to which they have to refer in connection with the current operation, certainly they would have access to look at them, Mr. Chairman.

Mr. KENNEDY. Absolutely.

The CHAIRMAN. Yes.

Senator MUNDT. So you will not be inconvenienced in that way.

The CHAIRMAN. I wish to say in most instances we get cooperation between the staff and the members of local unions whose records we need.

In most instances—there are occasional exceptions, as I recall this is about the second or third in all of our work—where we do not get that cooperation and where there is a belligerent attitude as indicated by the witness here this morning and sometimes it becomes necessary to exercise the powers the committee has in order to proceed with its work.

We do not want to impose any hardship that can be avoided, but we are not going to be deterred from pursuing whatever we conceive to be our duty.

The records will be delivered at this time. The counsel and staff are instructed insofar as you can release the records after you have finished with them. We do not want to impose any undue hardship where it can be avoided. We shall expect your full cooperation and if there are other records that have not been produced after you have examined these, Mr. Counsel, please advise and instruct Mr. Cohen what further records you need and what further records are missing that you want, and you will be instructed to comply with that request.

Failure to do so will mean you will be called back before the committee.

Mr. CARROLL. Let me tell you what we have brought. Maybe that will help you.

Senator MUNDT. I was going to arrive at the same goal. I was going to ask Mr. Cohen what records he did not bring. He said some records were not available.

Mr. CARROLL. The only thing we have not brought, which we have, is what is designated on our subpoena as all membership and dues records, past and present.

Those, sir, consist of 3 very large vaults about 4 feet by 4 by 8, which took rigging equipment to get into our place and would take the same thing to get out and we could hardly be expected to bring them on 24 hours' notice.

Senator MUNDT. Have you brought everything else called for in the subpoena?

Mr. CARROLL. Everything else we have. For instance, item 12, personnel records, we don't possess such things. We don't keep such records. Payroll records, cashbooks, every other single thing on your subpoena we have brought.

The CHAIRMAN. Let us get this under oath. The counsel is not sworn.

Mr. Cohen, have you brought all of the records called for in the subpoena except item No. 10, membership lists and dues, records for all members past and present, and No. 12, all personnel records pertaining to employees of local 107 for the period extending from

January 1, 1947, to the present? Have you brought all records that are in your possession that you have except those two?

Mr. COHEN. Yes, sir.

The CHAIRMAN. As to No. 10, you say you have none?

Mr. CARROLL. As to 12, we have no such records.

The CHAIRMAN. As to 12, you have no such records?

Mr. COHEN. That is correct.

The CHAIRMAN. You have not kept any records such as that would describe?

Mr. COHEN. Not since I have been secretary-treasurer of local 107 which is only in the past 3 years.

The CHAIRMAN. The past 3 years?

Mr. COHEN. Yes, sir.

The CHAIRMAN. Were they kept before that time?

Mr. COHEN. That I do not know. I don't think so.

The CHAIRMAN. You do not think you have any such records?

Mr. COHEN. I was only a business agent at that time.

The CHAIRMAN. I know, but you are now in possession of all the records.

Mr. COHEN. That is correct, sir.

The CHAIRMAN. Have you any such records prior to the time you became secretary? That is, records of the local union?

Mr. COHEN. Those personnel records of the employees?

The CHAIRMAN. Yes, sir.

Mr. COHEN. No, sir.

The CHAIRMAN. Pertaining to employees of local 107?

Mr. COHEN. No, sir, I do not have them.

The CHAIRMAN. Were they kept prior to the time you became secretary-treasurer?

Mr. COHEN. Not to my knowledge.

The CHAIRMAN. You have never seen such records?

Mr. COHEN. No, sir.

The CHAIRMAN. They have never been in your possession to your knowledge?

Mr. COHEN. No, sir.

The CHAIRMAN. How about No. 10?

(The witness conferred with his counsel.)

Mr. CARROLL. No. 10? We don't have the subpoena.

Mr. COHEN. You mean the membership lists and dues cards?

The CHAIRMAN. Do you have those?

Mr. COHEN. That would be a physical impossibility unless rigging companies could take them from our building.

The CHAIRMAN. You do have them. You have such records, as I understand it?

Mr. COHEN. Yes, sir.

The CHAIRMAN. Will you make them available to members of this staff for inspection?

Mr. COHEN. Will we make them available?

The CHAIRMAN. There.

Mr. COHEN. We already have agreed to make them available at any time.

The CHAIRMAN. With the authority for him to remove therefrom such documents as he may feel are of interest to this committee?

(The witness conferred with his counsel.)

Mr. COHEN. Those we need——

The CHAIRMAN. A receipt will be given you for anything taken out. The staff will be so instructed.

Mr. COHEN. Those cards, Mr. Chairman, and those files we need to operate every day from morning until evening.

The CHAIRMAN. We do not want to take anything that you have to have. We want the right to inspect them and if we find some document—I hope we do not have to take all of them—but if we find some document that is of interest that the committee wishes further to inquire into, we should desire it.

So we might as well settle it now.

Mr. COHEN. We would only be too glad to make copies of anything in those three vaults for you gentlemen to have.

The CHAIRMAN. In most instances a copy will serve the purpose. In some instances a copy—just a memorandum copy—will not serve the purpose.

I do not know whether there is any such instance involved, but if there is, we can either settle it here today or we can have another day, so if we find we do need to remove one, we will.

If we cannot have that understanding, then there will be another day in the committee for you.

Mr. CARROLL. I am sure, Mr. Chairman, in view of what we have done in the past in giving your investigators everything they wanted, I am sure this can be worked out as they requested.

The CHAIRMAN. We are working it out now. Let us settle it. We do not want you to leave here with any misunderstanding.

Mr. CARROLL. I think I understand what you want and Mr. Cohen does.

Senator MUNDT. May we have the answer from Mr. Cohen?

Mr. COHEN. Are you asking me, Mr. Chairman, whether I agree that you can have them if you want them?

The CHAIRMAN. Yes.

Mr. COHEN. I agree.

The CHAIRMAN. Thank you.

Any further questions? I am not sure but I thought this subpoena also covered your personal books and records—I made some observations about that when I said all personal records when I started to read No. 12—but that does not cover your personal records.

I am asking for information. Have you made your personal records available for committee inspection?

Mr. COHEN. They have never been asked for or requested, to my knowledge.

The CHAIRMAN. Will you make them available?

Mr. COHEN. Yes, sir.

The CHAIRMAN. With that understanding, upon request for any of his personal books and records, the witness agrees to make them available.

Mr. KENNEDY. Will you tend to that right away, Mr. Cohen, and make them available?

Mr. CARROLL. He is going back to Miami. I don't know how much you expect of him on such short notice.

The CHAIRMAN. If you agree to make them available when you get back—how long do you intend to be there?

Mr. COHEN. I intend to be there until the convention of the International Brotherhood of Teamsters is over.

The CHAIRMAN. With that understanding that they will be made available when desired—I am not going to make any pressure on you to go back to Philadelphia at this time if you want to return to Miami—with that understanding, is there anything further?

Mr. KENNEDY. Because we have had these difficulties in the past, Mr. Chairman, can we reach an agreement as to when he will make them available or his attorneys will make them available?

The CHAIRMAN. When do you expect to return, Mr. Cohen?

Mr. COHEN. Mr. Chairman, I will either make them available after I return from Miami and if there is a necessity for them before, I am sure my attorneys will see that you get whatever you want.

The CHAIRMAN. The Chair will order you to make them available immediately upon your return from Miami and I am anticipating that you are not going to be down there for an extended vacation.

Mr. COHEN. No, sir.

The CHAIRMAN. In the meantime, if any of them are desired—Mr. Kennedy, you contact Mr. Cohen's counsel, and such that he can make available, you will do so in the meantime.

Mr. COHEN. That is correct, sir.

The CHAIRMAN. Thank you very much.

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you. You may stand aside.

(The witness was excused.)



# INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

MONDAY, OCTOBER 28, 1957

UNITED STATES SENATE,  
SELECT COMMITTEE ON IMPROPER ACTIVITIES  
IN THE LABOR OR MANAGEMENT FIELD,  
*Washington, D. C.*

The select committee met at 2 p. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator Pat McNamara, Democrat, Michigan; Senator Sam J. Ervin, Democrat, North Carolina; Senator Barry Goldwater, Republican, Arizona; Senator Carl T. Curtis, Republican, Nebraska.

Also present Robert F. Kennedy, chief counsel; Pierre E. G. Salinger, investigator; Walter Sheridan, investigator; Ruth Young Watt, chief clerk.

(Committee members present at this point: Senators McClellan, Ives, Goldwater, McNamara and Curtis.)

The CHAIRMAN. I may say to the committee that we have a matter here of a witness we had before us some time ago. While testifying he made commitments and agreed to give us some records, but he changed his mind, apparently, and he is here and I thought we would call him up here.

Mr. Raymond Cohen, will you come around, please?

Mr. Cohen, you will be sworn. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COHEN. I do.

## TESTIMONY OF RAYMOND COHEN, ACCOMPANIED BY HIS COUNSEL, JOHN R. CARROLL, AND RICHARD H. MARKOWITZ

The CHAIRMAN. Mr. Cohen, you appeared before this committee at an earlier date. What date was that?

Mr. KENNEDY. I think it was September 26, 1957.

The CHAIRMAN. At that time, you were interrogated regarding your personal records that the committee was seeking. I believe certain records had been subpoenaed that were in your possession, is that correct?

Mr. COHEN. Union records, sir.

The CHAIRMAN. Yes.

Mr. COHEN. The last time I was here, you mean?

The CHAIRMAN. Yes.

Mr. COHEN. Yes, sir.

The CHAIRMAN. Were they made available?

Mr. COHEN. Yes, sir.

The CHAIRMAN. Just to get the record straight, Mr. Cohen, state your name and your place of business and your residence and your business or occupation, please.

Mr. COHEN. Raymond Cohen, 1605 Brigantine Avenue, Brigantine, N. J. I am secretary-treasurer and business manager of the teamsters local 107, Philadelphia.

The CHAIRMAN. You have counsel present with you.

Counsel, will you identify yourself for the record?

Mr. CARROLL. John R. Carroll, Land Title Building, Philadelphia, and Richard H. Markowitz, PSFS Building, Philadelphia.

The CHAIRMAN. Did you gentlemen appear as counsel for the witness when he testified before?

Mr. CARROLL. We did, sir.

The CHAIRMAN. Now, I understand the union records have all been delivered, is that correct?

Mr. KENNEDY. That is correct.

Mr. COHEN. Yes, sir.

The CHAIRMAN. When you were testifying before you were asked to deliver your personal records to the committee. At that time I believe we served a subpoena on you for your personal records, when you appeared before the committee, is that correct?

Mr. CARROLL. No, sir, that is not.

Mr. KENNEDY. It was served subsequently.

The CHAIRMAN. Subsequently one was served on you?

Mr. CARROLL. Yes.

The CHAIRMAN. Let the witness answer.

Mr. CARROLL. The record shows, I think, that your subpoena was served last week.

The CHAIRMAN. When you testified before, you consented at that time, and agreed to turn over your personal records to the committee. I read from the transcript of your testimony on page 473:

Mr. COHEN. Are you asking me, Mr. Chairman, whether I agree that you can have them if you want them?

The CHAIRMAN. Yes.

Mr. COHEN. I agree.

The CHAIRMAN. Thank you.

Any further question? I am not sure but I thought this subpoena also covered your personal books and records—I made some observations about that when I said all personal records when I started to read No. 12—but that does not cover your personal records.

I am asking for information. Have you made your personal records available for committee inspection?

Mr. COHEN. They have never been asked for or requested to my knowledge.

The CHAIRMAN. Will you make them available?

Mr. COHEN. Yes, sir.

The CHAIRMAN. With that understanding, upon request for any of his personal books and records, the witness agrees to make them available.

Mr. KENNEDY. Will you tend to that right away, Mr. Cohen and make them available?

Mr. CARROLL. He is going back to Miami. I don't know how much you expect of him on such short notice.

The CHAIRMAN. If you agree to make them available when you get back—how long do you intend to be there?

Mr. COHEN. I intend to be there until the convention of the International Brotherhood of Teamsters is over.

The CHAIRMAN. With that understanding that they will be made available when desired—I am not going to make any pressure on you to go back to Philadelphia at this time of you want to return to Miami—with that understanding, is there anything further?

Mr. KENNEDY. Because we have had these difficulties in the past, Mr. Chairman, can we reach an agreement as to when he will make them available or his attorneys will make them available?

The CHAIRMAN. When do you expect to return, Mr. Cohen?

Mr. COHEN. Mr. Chairman, I will either make them available after I return from Miami and, if there is a necessity for them before, I am sure my attorneys will see that you get whatever you want.

The CHAIRMAN. The Chair will order you to make them available immediately upon your return from Miami and I am anticipating that you are not going to be down there for an extended vacation.

Mr. COHEN. No, sir.

The CHAIRMAN. In the meantime, if any of them are desired, Mr. Kennedy, you contact Mr. Cohen's counsel and such that he can make available, you will do so in the meantime.

Mr. COHEN. That is correct, sir.

The CHAIRMAN. Thank you very much.

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you. You may stand aside.

Now, what is the situation, Mr. Counsel, with respect to the records?

Mr. KENNEDY. They were subpoenaed, Mr. Chairman. We understood, according to the commitment that Mr. Cohen made here before the committee on September 26, that he would make them available, and they were not made available and so, finally, we subpoenaed them and subpoenaed Mr. Cohen to bring them here to the committee today at 2:00 p. m. This subpoena was served last week.

The CHAIRMAN. The subpoena will be printed in the record at this point, so the record will be clear.

You acknowledge having received the subpoena, Mr. Cohen?

Mr. COHEN. Yes, sir.

(The subpoena is as follows:)

L-1629

# UNITED STATES OF AMERICA

## CONGRESS OF THE UNITED STATES

To: Mr. Raymond Cohen and Mrs. Edith Mae Cohen, 1605 West Brigantine Avenue, Brigantine, N. J., greeting:

Pursuant to lawful authority, you are hereby commanded to appear before the Senate Select Committee on Improper Activities in the Labor or Management Field of the Senate of the United States, on Monday, October 28, 1957, at 2 p. m., at their committee room, room 101, Senate Office Building, Washington, D. C., then and there to testify what you may know relative to the subject matters under consideration by said committee, and to produce duces tecum the items set forth in schedule A attached hereto and made a part hereof.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To: John B. Flanagan to serve and return.

Given under my hand, by order of the committee, this 22d day of October, in the year of our Lord one thousand nine hundred and fifty-seven.

(Signed) JOHN L. MCCLELLAN,  
Chairman, Senate Select Committee on Improper Activities in the  
Labor or Management Field.

## SCHEDULE A

To produce for the period from January 1, 1950, to date, the following records and documents:

1. All check stubs, canceled checks, bank statements, and pass books of all savings accounts, building or loan associations.
2. Records of all stock brokerage accounts and records of purchase, ownership, and sale of all savings bonds, stocks, or other securities.
3. A list of all real property purchased, owned, or sold or mortgage receivables within the aforementioned period of time and the pertinent records of such transactions.
4. A record of all charge accounts.
5. A record of all money borrowed and/or loaned and the payments or repayments thereof.
6. List and records of rentals of all safe-deposit boxes.
7. Records of ownership, operation, or control of any business operations—individual, joint venture, partnership, or corporate.
8. Records of all sources of income, including salary and expenses, during the above period.
9. List and records of all jewelry bought, sold, pawned, and insured, and the records of such insurance.
10. List and records of all gifts and contributions received which were valued at \$500 or more.
11. List of registrations and other records of the purchase, ownership, and sale of all automobiles and boats within the aforementioned period.

The CHAIRMAN. Have you brought the records?

Mr. COHEN. No, sir.

The CHAIRMAN. You have refused to bring the records?

Mr. COHEN. Yes, sir.

The CHAIRMAN. You have not complied with either your promise to produce them and make them available, nor have you complied with the subpoena, is that correct?

Mr. COHEN. Yes, sir.

The CHAIRMAN. "Yes, sir, that is correct," is that what you mean?

Mr. COHEN. Yes, sir.

The CHAIRMAN. Are you now refusing to comply with the subpoena?

Mr. COHEN. Mr. Chairman, although no subpoena had been issued for my personal records, I then said I would produce them at a future time. I have since changed my mind.

The CHAIRMAN. Obviously. But you now have a subpoena for them. Are you going to produce them under the subpoena?

Mr. COHEN. Well, no, sir, and here are my reasons.

The CHAIRMAN. You may state your reasons.

Mr. COHEN. I understood you wanted all of my records regardless of whether they pertain to your investigation, and the committee is obviously conducting a general inquisition into my personal affairs in the hope of finding some evidence against me and not for the purpose of legislation. I am advised, and I believe that I have a right not to be a witness against myself and a right to be free from unreasonable search and seizure and, therefore, I intend to avail myself of these rights, and have not brought the records you subpoenaed.

(At this point, Senator Curtis entered the hearing room.)

The CHAIRMAN. Are there any further questions?

Mr. KENNEDY. I have a few questions.

Mr. Cohen, you have a yacht now, do you? I would like to ask you about your yachts. Would you first tell me about the yacht that you have now?

Mr. COHEN. Can I have a second or so to consult with my attorney?

The CHAIRMAN. You may consult with counsel.

(The witness conferred with his counsel.)

The CHAIRMAN. Let us proceed.

Mr. COHEN. Mr. Chairman, I refuse to answer that question for the same reason I previously stated.

The CHAIRMAN. You had better state your reason again for the record.

Mr. COHEN. Could I have the stenographer read it?

The CHAIRMAN. No, sir. If you want to take the fifth amendment, you should learn now. You have counsel to advise you.

Mr. COHEN. I am advised and believe that I have a right not to be a witness against myself and a right to be free from unreasonable search and seizure. Therefore, I intend to avail myself of these rights and I will not answer the question.

The CHAIRMAN. You decline to answer on the ground that you think if you answered the question a truthful answer thereto might tend to incriminate you?

Mr. COHEN. Well, I have stated my reason, Mr. Chairman.

The CHAIRMAN. All right, I gave you the chance to state a legitimate reason. Now, if you do not want to state it, that is up to you and your counsel.

Mr. COHEN. I think that I have stated a legitimate reason.

The CHAIRMAN. Did any union funds go into the purchase or the upkeep of this yacht?

Mr. COHEN. I refuse to answer that.

The CHAIRMAN. You are ordered and directed to answer it. With the permission of the committee, the Chair is going to order and direct you to answer the question.

Mr. COHEN. Can I converse with counsel?

The CHAIRMAN. You may.

(The witness conferred with his counsel.)

Mr. COHEN. I refuse to answer the question, Mr. Chairman, for the same reason as I previously stated.

The CHAIRMAN. Are any union funds used to maintain, keep up, and operate this yacht which is in your possession?

Mr. COHEN. I refuse to answer, Mr. Chairman, on the same grounds.

The CHAIRMAN. You are ordered and directed to answer the question. I trust the committee gives its approval as I give these orders.

Mr. COHEN. I refuse to answer, Mr. Chairman, on the grounds previously stated.

The CHAIRMAN. The Chair now orders you again to produce those records and I order you to answer the two questions I have asked you regarding the yacht and whether union funds went into the purchase of it, and whether union funds are used for its upkeep, maintenance, and operation.

Mr. COHEN. I refuse to answer, Mr. Chairman, for the same reason as previously stated.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. Just so we establish that we are looking for something specific here, according to the information that we have, this is a yacht that Mr. Cohen has purchased this year for some \$24,000 and he keeps this yacht, according to the information we have in the winter down in Miami where he uses it, and then in summer he has it in New Jersey.



Prior to this time he had another yacht which he purchased for \$17,000 and he purchased that yacht from a man by the name of Earl M. Reed. This is one of the matters that we are looking into. There are a number of them amounting to tens of thousands of dollars regarding Mr. Cohen, and the misuse of union funds, but this is one of the matters that we are looking into.

We have this treasurer's check in the amount of \$17,000 made out to Earl M. Reed and we would like to ask Mr. Cohen where he got the money to purchase that treasurer's check.

The CHAIRMAN. This is a photostatic copy of a check dated March 30, 1955, on Broad Street Trust Co., made payable to Earl M. Reed, in the amount of \$17,000.

Mr. CARROLL. What is the date of that again, Mr. Chairman?

The CHAIRMAN. We will present it to the witness. I ask you to examine that document, Mr. Cohen, and state whether you identify it. Have you examined the document?

Mr. COHEN. Yes, sir.

The CHAIRMAN. Do you identify it?

Mr. COHEN. I refuse to answer, Mr. Chairman, on the grounds I previously stated.

The CHAIRMAN. You are ordered and directed to answer the question. With the approval of the committee, the Chair issues that order and direction to you.

Mr. COHEN. I refuse to answer, Mr. Chairman, on the grounds I previously stated.

The CHAIRMAN. Do you honestly believe that if you gave a truthful answer to that question, a truthful answer might tend to incriminate you?

Mr. COHEN. I refuse to answer that, Mr. Chairman, on the grounds I previously stated.

The CHAIRMAN. Again, you are ordered and directed to answer the question, with the approval of the committee.

Mr. COHEN. I refuse to answer on the same grounds I previously stated, Mr. Chairman.

The CHAIRMAN. Do you not think that if you use union money for that purpose, that the members of the union, the dues-paying members, have a right to know about it?

Mr. COHEN. I refuse to answer that question, Mr. Chairman, on the grounds I have previously stated.

The CHAIRMAN. You are ordered and directed to answer that question.

Mr. COHEN. I refuse to answer the question, Mr. Chairman.

The CHAIRMAN. The first check there may be made exhibit No. 1. (The document referred to was marked "Exhibit No. 1" for reference and will be found in the appendix on p. 10795.)

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. We have here, Mr. Chairman, a \$17,000 check made out to cash and it is signed by Mr. Ben Lapensohn.

That is March 30, 1955, and it is \$17,000.

The CHAIRMAN. This is 1955. The Chair presents you what appears to be an original check in the amount of \$17,000 made payable to cash, dated March 30, 1955, in the amount of \$17,000, drawn by Ben Lapensohn.

I present that check to you and ask you to examine it and state whether or not you identify it.

(A document was handed to the witness.)

Mr. COHEN. I decline to answer, Mr. Chairman, for the same reasons I previously stated.

The CHAIRMAN. With the approval of the committee, the Chair orders and directs you to answer the question.

Mr. COHEN. I refuse to answer, Mr. Chairman, on the grounds that I previously stated.

The CHAIRMAN. That check may be made exhibit No. 1-A.

(The document referred to was marked "Exhibit No. 1-A" for reference and will be found in the appendix on p. 10796.)

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. This check was used to purchase the treasurer's check which was in turn used to purchase this boat for Mr. Cohen. Now, following that, we were going through the books and records of local 107 and we found a large number of checks made out to Ben Lapensohn, starting on May 13, 1955 of \$1,000, and May 16, 1955, \$1,000, May 27, 1955, \$1,250.

June 3, 1955, \$950; June 10, 1955, \$1,045; June 27, 1955, \$955; July 15, 1955, \$902; July 15, 1955, \$502; July 28, 1955, \$1,000.72.

August 11, 1955, \$919, adding up to a total of \$9,523.72 and all of these checks are missing from the records of local 107.

Can you tell us about that, Mr. Cohen, where those checks are?

Mr. COHEN. I refuse to answer the question, Mr. Chairman, for the same reason I previously stated.

The CHAIRMAN. Those checks were on union funds, were they not?

Mr. KENNEDY. Yes, and Mr. Lapensohn at that time was a business agent of local 107. He was receiving his salary, and he was receiving his expenses during this period of time and these are payments above and beyond that which Mr. Lapensohn was receiving during this period of time, and for which the checks are missing.

Within several months of that there are some more payments to Mr. Lapensohn amounting to about \$3,000 more, but these particular ones are the ones we are interested in at the present time.

The CHAIRMAN. I might make this observation for the benefit of the record, that this committee is very much interested in these transactions if those are union funds as it appears there, and union money was being spent here to buy a yacht.

I think the union members have a right to know about it. I doubt the validity of the use of the money for that purpose unless there was a resolution or something by the local to authorize such expenditures.

It comes very much in the purview of the duty and responsibility of this committee as we inquire into these improper practices. I think every question asked, gentlemen, is pertinent to this inquiry and if the witness continues to refuse to answer, this is the last chance I am going to give him.

Do you want to answer any of these questions or do you still refuse?

Mr. COHEN. I refuse, Mr. Chairman, on the ground I previously stated.

Senator CURTIS. I would like to ask the witness, is there anything in your personal records which have been subpoenaed and which you

have refused to produce that relate in any way to the funds belonging to the union.

Mr. COHEN. I refuse to answer that question, Mr. Chairman, on the same grounds I previously stated.

The CHAIRMAN. With the approval of the committee, the Chair orders and directs you to answer the question.

Mr. COHEN. I refuse to answer the question, Mr. Chairman, on the same grounds as previously stated.

Senator CURTIS. That is all, Mr. Chairman.

(Present at this time were Senators McClellan, Ives, McNamara, Goldwater, and Curtis.)

Mr. KENNEDY. We began our investigation about April or May of last year into the activities of Mr. Cohen and Mr. Lapensohn; and Mr. Lapensohn, in May of 1957, left for Europe and he left word that he would be back with his family in September of 1957.

Well, his family returned to the United States in September of 1957, but Mr. Lapensohn has remained out of the country.

Now, we received information that Mr. Lapensohn was in Montreal last week. We sent an investigator up to talk to him and he refused to talk at that time and also said he was not going to come back to the country to appear before the committee at the present time.

Now, I wondered if Mr. Cohen can give us any help. I am speaking to you, Mr. Cohen, because I know, for instance, you have been highly recommended to this committee. Mr. Hoffa spoke to us about what a fine job you were doing in Philadelphia, when he appeared and testified. I would think that you would want to help and assist the committee in whatever way possible by giving us this information about where Mr. Lapensohn is and what information you have on the purchase of the yacht and your general financial transactions with Mr. Lapensohn and with others.

Mr. MARKOWITZ. Is that a question, Counsel?

Mr. KENNEDY. Yes. Can you help us on that about your finances, give us any information and tell us about your relationship with Mr. Lapensohn?

Mr. COHEN. No.

Mr. KENNEDY. Why not?

Mr. COHEN. For the same reason I previously stated.

Mr. KENNEDY. What was that reason, Mr. Cohen?

(The witness conferred with his counsel.)

Mr. COHEN. I am advised and believe that I have a right not to be a witness against myself and a right to be free from unreasonable search and seizure. Therefore, I intend to avail myself of these rights and will not answer the question.

Mr. KENNEDY. On what? On what grounds?

This is illegal search and seizure?

(The witness conferred with his counsel.)

Mr. COHEN. I just read it, Mr. Chairman.

Mr. KENNEDY. Is that it? Is it not on the grounds it might incriminate you?

(The witness conferred with his counsel.)

Mr. COHEN. On the grounds that I stated, Mr. Chairman.

Mr. KENNEDY. That wasn't in there. Would you read that again, please.



Mr. COHEN. I am advised and believe that I have a right not to be a witness against myself and a right to be free from unreasonable search and seizure.

The CHAIRMAN. Are there any questions from the committee?

All right. You may stand aside.

The committee will pursue this matter further. I don't know what will be in the future, but I think this is something that should be looked into. I will direct that a copy of this transcript be immediately provided for the Department of Justice.

Mr. KENNEDY. Mr. Chairman, I might say we have a good deal more information regarding this matter which we will present to the committee at the proper time.



# INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

TUESDAY, APRIL 15, 1958

UNITED STATES SENATE,  
SELECT COMMITTEE ON IMPROPER ACTIVITIES  
IN THE LABOR OR MANAGEMENT FIELD,  
*Washington, D. C.*

The select committee met at 10:30 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving Ives, Republican, New York; Senator Sam J. Ervin, Jr., Democrat, North Carolina; Senator Barry Goldwater, Republican, Arizona; Senator Karl E. Mundt, Republican, South Dakota; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; Leo C. Nuley, investigator; Herbert J. Rose, Jr., investigator; Ralph De Carlo, investigator; John B. Flanagan, investigator; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were: Senators McClellan, Ives, Mundt, and Curtis.)

The CHAIRMAN. The Chair will make a brief statement.

Today we are beginning hearings on the activities of union officials of Local 107 of the International Brotherhood of Teamsters operating in the Philadelphia region. It is expected that the hearings will also involve other Teamster locals in that area.

These hearings will inquire into the misuse of union funds. However, one of the most important phases of our investigation, in my opinion, will be the methods used to control the membership.

The employment of individuals with criminal records to intimidate and to instill fear, the physical beatings of those who do not "cooperate," appears to have created a condition in local 107 which is equal to or worse than any situation of its kind that we have yet examined into.

During these hearings we will be asking for the cooperation of various rank-and-file members of this union.

It is my feeling that many of them would like to cooperate. I hope that fear or intimidation will not keep them from giving to the committee the facts and information of which they have knowledge and which facts and information would be helpful to the Congress in determining the character and extent of remedial legislation that it should enact.

One of the leading figures in these hearings will be Mr. Raymond Cohen, secretary-treasurer of local 107. Mr. Cohen is now trustee of the international union, having been elected last fall when the Teamsters hierarchy turned itself from the corruption of Dave Beck with the election of new officers.

Mr. Cohen's position with the international is of great importance and what the name implies. He holds a position of trust. The committee will be anxious to develop what were the characteristics and activities of Mr. Cohen that made the new leadership of the International Brotherhood of Teamsters select him for this position.

Another individual in whom the committee expects to have considerable interest is Mr. Benjamin Lapensohn who has worked closely with Mr. Cohen for a number of years.

When the committee started its investigation a year ago, Mr. Lapensohn left the country. However, I am advised that he still is away, and he has not yet returned.

The committee will continue to be interested in having his testimony and believes that it is very possible that by the time these hearings are completed, a number of the law-enforcement agencies of the country will be anxious to talk with Mr. Lapensohn.

We are also going into certain allegations of bribery and extortion. Not the least of the charges is that favoritism has been extended to certain companies which gives firms competitive advantage over their rivals.

We shall also be interested in determining whether any financial favors have been offered to union officials by management.

Mr. Counsel, is there anything further you wish to add?

Mr. KENNEDY. That is all.

The CHAIRMAN. Does any member of the committee have any comment?

If not, Mr. Counsel, call the first witness.

Mr. KENNEDY. Mr. Raymond Joseph Kelly.

The CHAIRMAN. Will you be sworn, please.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God.

Mr. KELLY. I do.

#### TESTIMONY OF RAYMOND J. KELLY

The CHAIRMAN. State your name, and your place of residence, and your business or occupation.

Mr. KELLY. My name is Raymond Kelly. I live in St. Augustine Beach, Fla., and I operate a motel there.

The CHAIRMAN. You operate what?

Mr. KELLY. A motel, sir.

The CHAIRMAN. All right, Mr. Kelly, do you waive counsel?

Mr. KELLY. Yes, sir.

The CHAIRMAN. Thank you very much.

Mr. Kennedy, you may proceed.

Mr. KENNEDY. Mr. Kelly, you were with the Teamsters Union for a period of time?

Mr. KELLY. Yes, sir; I was with them from its inception until 1954.

Mr. KENNEDY. That is local 107?

Mr. KELLY. Yes, sir.

Mr. KENNEDY. And prior to that you were with local 470?

Mr. KELLY. For a period of 14 years I was a member.

Mr. KENNEDY. So you have been with the Teamsters from about 1920; is that right?

Mr. KELLY. That is correct.

Mr. KENNEDY. And local 107 broke off from 470 or they formed a new union called 107, and you joined that, is that right?

Mr. KELLY. That is correct.

Mr. KENNEDY. That was about 1934 or so?

Mr. KELLY. 1934, yes.

Mr. KENNEDY. And at its inception, did you become an officer of the local?

Mr. KELLY. Yes; I did, and I became recording secretary and business agent.

Mr. KENNEDY. Were you elected to that position after that?

Mr. KELLY. Yes; I was.

Mr. KENNEDY. Periodically they had elections?

Mr. KELLY. Yes, sir.

Mr. KENNEDY. And you were elected recording secretary and a business agent, is that right?

Mr. KELLY. That is true.

Mr. KENNEDY. Did you have opposition on occasion during that period?

Mr. KELLY. At times, yes, sir.

Mr. KENNEDY. How often did they have the elections in the union?

Mr. KELLY. Every 4 years.

Mr. KENNEDY. Who was the president or who operated the union during this period of time?

Mr. KELLY. Edward Crumbock.

Mr. KENNEDY. What was his position?

Mr. KELLY. Secretary-treasurer.

Mr. KENNEDY. And he was elected secretary-treasurer?

Mr. KELLY. Yes, sir; he was.

Mr. KENNEDY. Now, he was secretary-treasurer up until 1954, is that right?

Mr. KELLY. That is correct.

Mr. KENNEDY. And he was succeeded then by Mr. Raymond Cohen?

Mr. KELLY. Yes, sir.

Mr. KENNEDY. Is that right?

Mr. KELLY. That is right.

Mr. KENNEDY. There were nominations for the various positions in the union in November of 1953, is that right?

Mr. KELLY. Yes, sir.

Mr. KENNEDY. Could you tell the committee what transpired at that meeting, in November of 1953?

Mr. KELLY. You mean from the beginning of the meeting?

Mr. KENNEDY. First tell the committee how your elections are usually run, and then tell what happened at the meeting in November of 1953.

Mr. KELLY. Well, members are nominated, seconded, and recorded as such, and if there is any opposition there is a ballot election. If there is no opposition, then he is elected without vote.

MR. KENNEDY. So there is a meeting of the union, the members are invited, and anybody could be there. This is the way it was under Mr. Crumbock. Anybody could be nominated, and then they would have them seconded and then there would be an election if there was opposition?

MR. KELLY. That is true.

MR. KENNEDY. So did you have a regular meeting in November of 1953 in order to elect the officers?

MR. KELLY. We did.

MR. KENNEDY. And who was in the chair at that time? Who was running the meeting?

MR. KELLY. The president, Brother Joseph Grace.

MR. KENNEDY. And he was president of the local at that time?

MR. KELLY. That is correct.

MR. KENNEDY. And at that time, in November of 1953, Mr. Raymond Cohen was a business agent of the local?

MR. KELLY. Yes; he was.

MR. KENNEDY. But he was no higher officer than a business agent?

MR. KELLY. That is true.

MR. KENNEDY. So would you tell the committee what happened at the meeting on November of 1953?

MR. KELLY. Well, the meeting was opened and the regular order of business went on until the nomination of officers, and nominations were asked for president, and Joseph Grace was put in without opposition.

MR. KENNEDY. First, before you get to that, was there anything unusual about the meeting?

MR. KELLY. Yes. The size of the attendance; it was, I would say, overwhelming. The auditorium was crowded and members were standing out in the street and couldn't get in, which was really unusual.

MR. KENNEDY. Many more people than had come at the ordinary meetings?

MR. KELLY. That is right.

MR. KENNEDY. Go ahead and continue.

MR. KELLY. Well, Joseph Grace was nominated, and he had no opposition, and Brentowsky was nominated for vice president and business agent without opposition, and then it came to nominations for secretary. Nominations were opened for secretary.

MR. KENNEDY. This was the position held by Mr. Crumbock?

MR. KELLY. Sir?

MR. KENNEDY. Is this the position held by Mr. Crumbock?

MR. KELLY. That is correct.

MR. KENNEDY. That is the most important position in the union, is it not?

MR. KELLY. Yes; it is.

The nominations were opened, and someone jumped up and nominated Raymond Cohen; there was a quick second, and, of course, they had to have a second, and all hell broke loose. They jumped on the seat and started stomping and shouting "Cohen," and nobody could be heard. Of course, a man who wanted to nominate Crumbock just wasn't seen, and he had his hand up and standing there through this "young riot," I would call it, and they jumped all over the place. Of course, Eddy wasn't nominated.

Mr. KENNEDY. The president of the local, Joe Grace, never recognized anybody that wanted to nominate?

Mr. KELLY. A man by the name of Bob Duncan stood there for fully 10 minutes with his hand in the air waiting to be recognized.

Mr. KENNEDY. Did Grace then rule that the nominations were closed?

Mr. KELLY. Someone asked for the nominations be closed and they were closed.

Mr. KENNEDY. And Cohen was nominated and thus elected, is that right, without any opposition?

Mr. KELLY. That is true.

Mr. KENNEDY. And Crumbock's name had never even gone in?

Mr. KELLY. That is right.

Mr. KENNEDY. Did the meeting break up shortly afterward?

Mr. KELLY. Yes, sir.

Mr. KENNEDY. Now, did you feel or understand or know at that time that the election hall had been stacked with supporters of Raymond Cohen?

Mr. KELLY. Well, from the action of the membership, I would say yes, because we never had that kind of a meeting before in the whole existence of the union.

Mr. KENNEDY. Were you surprised that Joe Grace would not recognize the man?

Mr. KELLY. Very much.

Mr. KENNEDY. The people who were supporting Crumbock?

Mr. KELLY. Very much surprised.

Mr. KENNEDY. Did you have a meeting afterward?

Mr. KELLY. Yes, sir; directly after the meeting, we had a board meeting upstairs.

Mr. KENNEDY. That was the old board, was it?

Mr. KELLY. That is true.

Mr. KENNEDY. Was there any discussion of the election at that time?

Mr. KELLY. Well, Crumbock asked Cohen why he did it, and he said he just felt he was entitled to it or words to that effect, and he thought he did a goddamn swell job.

Mr. KENNEDY. During this period of time, just prior to the election, had Mr. Cohen been out sick or said he was out sick?

Mr. KELLY. Quite often, yes.

Mr. KENNEDY. Had his wife called in and said that he was too sick to come to work?

Mr. KELLY. That is what I was given to understand. Eddy Crumbock said he had a phone call from Mrs. Cohen, and Ray was too sick to work.

Mr. KENNEDY. That was just prior to this election, is that right?

Mr. KELLY. Yes, sir.

Mr. KENNEDY. In November of 1953?

Mr. KELLY. That is right.

Mr. KENNEDY. Did Cohen explain at this meeting after the election that he was actively working for his nomination?

Mr. KELLY. Oh, yes.

Mr. KENNEDY. During this period of time?

Mr. KELLY. Yes, he did, and he said it was going on for a couple of years and they held meetings in different parts of the city, and in fact some of them were held in Trenton, N. J.



Mr. KENNEDY. So when in fact his wife had reported that he was too ill to come to work, he was in fact moving around the union trying to get support for this election?

Mr. KELLY. That was my impression; yes, sir.

Mr. KENNEDY. Now did Mr. Crumbock protest the election to the International?

Mr. KELLY. Yes; he did.

Mr. KENNEDY. Could you tell the committee what action the International took then?

Mr. KELLY. Well, they sent in Tom Flynn, and he was to take over and he was put in charge of the local during the trouble in Philadelphia.

(At this point, the following members were present: Senators McClellan, Ives, Mundt, and Curtis.)

Mr. KENNEDY. And the local was put in trusteeship?

Mr. KELLY. He was the trustee; yes.

Mr. KENNEDY. Was a new election ordered?

Mr. KELLY. A new election was ordered and held.

Mr. KENNEDY. Did Crumbock actively campaign during this period of time?

Mr. KELLY. Actively? No.

Mr. KENNEDY. For what reason?

Mr. KELLY. Well, I couldn't say what his reason was. Business agents who were working for him all through the years done as much campaigning as possible.

Mr. KENNEDY. Did Raymond Cohen campaign actively?

Mr. KELLY. Yes; he did.

Mr. KENNEDY. Mr. Tom Flynn, was he friendly to Mr. Cohen during this period?

Mr. KELLY. I would say he was very friendly.

Mr. KENNEDY. Did Mr. Cohen have much money available?

Mr. KELLY. Well, I couldn't say how much money he had available. It seemed as though there was quite a bit of money being used. Of course, it had to be used with the amount of men that he had on the street.

Mr. KENNEDY. Was he spending much money then?

Mr. KELLY. I would say "Yes."

Mr. KENNEDY. Spending a great deal of money?

Mr. KELLY. Yes. He had to, for the campaign that was put on. Hiring halls and holding meetings and having these different men on the street.

Mr. KENNEDY. Did he have a number of people who were working for him?

Mr. KELLY. Yes, I would say a hundred or better.

Mr. KENNEDY. That were working around for him in the union?

Mr. KELLY. Openly; yes, sir.

Mr. KENNEDY. What was his association during that period of time? Was there any discussion about any of the criminal elements of Philadelphia being interested in the election?

Mr. KELLY. Was there any mention of it?

Mr. KENNEDY. Yes.

Mr. KELLY. Yes. I believe it was mentioned in one of Eddie Crumbock's circulars that he put out about hijacking and stuff like that.



Mr. KENNEDY. Beyond that, was there any discussion or did you have any information yourself, about the criminal elements of Philadelphia being interested in the results of the election?

Mr. KELLY. Well, there were rumors that through Ben Lapensohn—

Mr. KENNEDY. Who is Ben Lapensohn?

Mr. KELLY. He was a bondsman, or whatever you may call it.

He was connected with the element who were called the smart money guys.

Mr. KENNEDY. Was he associated with Raymond Cohen?

Mr. KELLY. Yes, he was.

Mr. KENNEDY. And also associated with the smart money guys?

Mr. KELLY. Yes, sir.

Mr. KENNEDY. What do you mean by the smart money guys?

Mr. KELLY. They were racketeers.

Mr. KENNEDY. He had a close association with them?

Mr. KELLY. That is right.

Mr. KENNEDY. Had he worked for the local 107 prior to that time?

Mr. KELLY. Yes, he did.

Mr. KENNEDY. Had he been fired by Eddie Crumbock?

Mr. KELLY. Yes, he was.

Mr. KENNEDY. On information that he had extorted some money from an employer?

Mr. KELLY. That is right.

(At this point, Senator Ives withdrew from the hearing room.)

Mr. KENNEDY. He had been fired, but he was associating then with Cohen and working in Cohen's campaign; is that right?

Mr. KELLY. That is right.

Mr. KENNEDY. And other than Lapensohn, was there any other of the element, gangster or criminal element, in Philadelphia that you knew were supporting Raymond Cohen?

Mr. KELLY. Al Berman.

Mr. KENNEDY. Who is Al Berman?

Mr. KELLY. He was a steward at one of the garages.

Mr. KENNEDY. He was a steward of 107?

Mr. KELLY. That is right.

Mr. KENNEDY. And he was also a numbers man?

Mr. KELLY. That is right.

Mr. KENNEDY. How do you know he was a numbers man?

Mr. KELLY. He was a numbers banker. He went to different garages and collected from the stewards in those garages.

Mr. KENNEDY. You knew that yourself?

Mr. KELLY. Everybody knew that.

Mr. KENNEDY. Was he closely associated with Raymond Cohen?

Mr. KELLY. Yes, he was.

Mr. KENNEDY. Did Al Berman afterward obtain any position, with 107?

Mr. KELLY. He is an official of some sort. Which position he holds, I don't know.

Mr. KENNEDY. He was made an official of the union?

Mr. KELLY. That is right.

Mr. KENNEDY. After the election?

Mr. KELLY. That is right.

Mr. KENNEDY. In the election that was ultimately held in—what, April 1954?

Mr. KELLY. That is right.

Mr. KENNEDY. Mr. Cohen won, is that right?

Mr. KELLY. That is true.

Mr. KENNEDY. He won very easily?

Mr. KELLY. Very easily.

Mr. KENNEDY. Almost 6 to 1?

Mr. KELLY. Something like that.

Mr. KENNEDY. Do you have any explanation as to why Mr. Cohen had these kinds of associations, and Mr. Crumbock had done a good job running the union, why it was that Mr. Cohen won the election?

Mr. KELLY. Well, there was only one word for it. It was fear.

Mr. KENNEDY. It was fear?

Mr. KELLY. Fear, that is true. And another—sir?

Mr. KENNEDY. On what do you base the conclusion that it was fear?

Mr. KELLY. Well, I had several phone calls myself from different members that they were told by their stewards to mark their ballot and fold it in such a manner that before they dropped it in the box they could show it to the Cohen watchers to show that they voted for Cohen.

Mr. KENNEDY. The ballot was such that you could put the person for whom you were voting, you could check it and fold it and nobody could see it; is that right?

Mr. KELLY. That is right.

Mr. KENNEDY. But you were told to fold it the other way so that it could be seen when you put the ballot in the box?

Mr. KELLY. That is true.

Mr. KENNEDY. Do you know a number of other people who were told to do that?

Mr. KELLY. I wasn't told to do that. Other members were told to do that, and they called me and told me.

Mr. KENNEDY. That they were instructed to do that?

Mr. KELLY. Yes.

Mr. KENNEDY. Did you, in fact, know that a large number had done that?

Mr. KELLY. Well, they had to, because the stewards, who were definitely Cohen men, had to see the ballot, and if they didn't show the ballot, they were just in trouble.

Mr. KENNEDY. Explain a little bit more to the committee of what you mean by the fact that it was fear that existed in local 107.

Mr. KELLY. Well, there were a number of men beaten up around just for campaigning for Crumbock, and some that were known just to have voted for him were—well, let's say, taken care of. Through that, nobody wanted to have anything to do with it.

Mr. KENNEDY. Was it also this association with some of the gangster element of Philadelphia? Did that make people afraid?

Mr. KELLY. I would say, "Yes."

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Were any of them afraid that they would lose their job or wouldn't be assigned to work if they voted against the Cohen leadership?

Mr. KELLY. Were any of them afraid? Everybody was afraid.

Senator CURTIS. You have said that they were afraid physically because some of them were beaten up. But did they have any fear relating to their job or their assignment of work, that they might lose out on that?

Mr. KELLY. That I couldn't say, because, after all, that was the employers' position, whether or not to remove a man from his job, and I don't think that was up to the union.

Senator CURTIS. They could deprive them of their membership?

Mr. KELLY. Definitely; yes, sir.

Senator CURTIS. Could you secure a job in that area without having membership?

Mr. KELLY. No, sir.

Senator CURTIS. So they could take a person's job away from him by expelling him from the union?

Mr. KELLY. Very easily.

Senator CURTIS. Is that done some times?

Mr. KELLY. Well, I don't have definite proof that it was done, no, sir.

Mr. KENNEDY. We do have some information, and we will have a witness on that.

Senator CURTIS. That is all.

Mr. KENNEDY. Did Mr. Cohen, during this period of time, offer you anything personally if you would support him?

Mr. KELLY. Yes. He came in my office with several other business agents in there, and he offered an increase of \$100 a week.

Mr. KENNEDY. How much were you getting at the time?

Mr. KELLY. \$200.

Mr. KENNEDY. He offered to pay you \$300 a week if you would support him?

Mr. KELLY. Yes, sir.

Mr. KENNEDY. Following the election, did you continue in your position as secretary?

Mr. KELLY. Yes, sir.

Mr. KENNEDY. For how long a period of time?

Mr. KELLY. Well, the last meeting was in June, and I got out of there in August.

Mr. KENNEDY. August of 1954, is that right?

Mr. KELLY. That is correct.

Mr. KENNEDY. Was there any pressure put on you to get out of the union, to resign?

Mr. KELLY. Yes, sir, there was.

Mr. KENNEDY. Would you tell the committee what happened?

Mr. KELLY. Well, I was called into the office, that Mr. Cohen wanted to see me. I was in my office at the time. I went up to the office and Joe Grace, Cohen, Eddie Walker were there.

Mr. KENNEDY. Who is Eddie Walker?

Mr. KELLY. Well, I don't know what position he holds now. He was, I would say, Cohen's right hand man. That is all I could say.

The CHAIRMAN. Was he an officer, a business agent, or anything in the union?

Mr. KELLY. Well, he was put in there as head business agent. He wasn't voted in, no, sir.

The CHAIRMAN. He wasn't elected?

Mr. KELLY. He was put in by Cohen.

The CHAIRMAN. He was just appointed by Cohen?

Mr. KELLY. Appointed by Cohen.

The CHAIRMAN. Was he also a kind of a bodyguard?

Mr. KELLY. Well, I couldn't prove that definitely, but that was the assumption.

Mr. KENNEDY. He is a business agent at the present time and also recording secretary, as I understand.

Mr. KELLY. Sir?

Mr. KENNEDY. He is presently a business agent and also recording secretary of local 107.

Mr. KELLY. That I don't know. I have not been near it.

Mr. KENNEDY. Continue the conversation of when you went there with Joe Grace.

Mr. KELLY. Well, I went in there, and they asked me to sit down, so I sat down. The conversation was on my getting out of the office, getting out of the position I held there, and Cohen says "We feel that you would have enough on pension to keep you, and we feel that you ought to quit."

I didn't quit.

Mr. KENNEDY. When was this, approximately?

Mr. KELLY. I would say that was in July, some time during July.

Mr. KENNEDY. You had been elected to that position, had you not?

Mr. KELLY. I had been, yes, sir.

Mr. KENNEDY. And he told you that he wanted you out of that job, that you should quit your job?

Mr. KELLY. That is right.

Mr. KENNEDY. And you refused at that time?

Mr. KELLY. That is right.

Mr. KENNEDY. All right. Continue.

Mr. KELLY. Well, that was the end of the meeting. I walked out.

Mr. KENNEDY. Did you hear from them again?

Mr. KELLY. Yes. In August, I just don't know the date, but it was on a Friday afternoon, Walker came into the office and said "Don't report back. We don't want you to come back here Monday."

I said, "How about Tuesday?"

He said, "No, nor Tuesday, nor Wednesday either. Stay the hell away from here, if you know what I mean."

So I said, "Whose orders are they?"

He said, "Mine, Joe Grace's and Ray Cohen," he says, "and don't be putting words into my mouth."

Mr. KENNEDY. What did he mean that you should stay away?

What did you think he meant when he said that you should stay away?

Mr. KELLY. Just don't come back, brother.

Mr. KENNEDY. Did you think something would happen to you if you did?

Mr. KELLY. Definitely.

Mr. KENNEDY. What did you think would happen to you?

Mr. KELLY. Well, others had been beaten up.

Mr. KENNEDY. Did you ever come back?

Mr. KELLY. No, sir, I didn't.

Mr. KENNEDY. Why?

Mr. KELLY. Well, I just wanted to stay in good health.

Mr. KENNEDY. Did you leave Philadelphia after that?

Mr. KELLY. Yes, I did. I left Philadelphia in 1955, January of 1955.

Mr. KENNEDY. Did you receive a pension from the joint council?

Mr. KELLY. Yes, I do.

Mr. KENNEDY. What is the pension that you receive?

Mr. KELLY. \$263.24 a month.

Mr. KENNEDY. Do you know if Cohen tried to keep you from getting that pension?

Mr. KELLY. It was told to me that he had it stopped for a while, yes, sir.

Mr. KENNEDY. It was stopped for a while, is that right?

Mr. KELLY. Yes, it was.

Mr. KENNEDY. How long had you been a teamster at the time that you were kicked out?

Mr. KELLY. How long had I been a union teamster?

Mr. KENNEDY. Yes.

Mr. KELLY. Thirty-five years.

Mr. KENNEDY. And you went down to Florida then?

Mr. KELLY. Yes, sir. I leased some property down there and I have been operating ever since.

Mr. KENNEDY. Just a couple of last questions.

The business agents were elected by the membership at the time Mr. Crumbock ran the union; is that right?

Mr. KELLY. Yes, sir.

Mr. KENNEDY. There were about 8 business agents in the Philadelphia area and 2 in the Wilmington area?

Mr. KELLY. That is true.

Mr. KENNEDY. The two in the Wilmington area were appointed?

Mr. KELLY. That is right.

Mr. KENNEDY. That was a branch of 107 that was formed by Eddie Crumbock; is that right?

Mr. KELLY. That is true.

Mr. KENNEDY. Both you and he had taken steps, during that time, to try to make that branch local independent of 107, is that right?

Mr. KELLY. Yes, sir.

Mr. KENNEDY. And that had been opposed by Mr. Walker?

Mr. KELLY. Well, I don't know who it was opposed by, but it never went through.

Mr. KENNEDY. It never went through. But those 2 business agents, anyway, were appointed, and the other 8 were elected?

Mr. KELLY. That is right.

Mr. KENNEDY. The eight in Philadelphia were elected?

Mr. KELLY. That is right.

Mr. KENNEDY. Do you know if that procedure has been changed by Raymond Cohen?

Mr. KELLY. Well, it was, before we even got out of there. We had replacements. People were nominated to our jobs. They were not nominated, but they were just put in there by Cohen, and have been there ever since, as far as I understand.



Mr. KENNEDY. After this election, he began appointing the business agents, rather than electing them, is that right rather than the union electing them?

Mr. KELLY. They are all appointed; yes, sir.

Mr. KENNEDY. They are all appointed now?

Mr. KELLY. Definitely.

Mr. KENNEDY. And Raymond Cohen is the one that appoints them?

Mr. KELLY. That is right.

Mr. KENNEDY. Was anyone else thrown out of their jobs, as you were, ordered to leave their office?

Mr. KELLY. Yes. Binkowski was thrown out.

Mr. KENNEDY. Who was that?

Mr. KELLY. My partner, William Binkowski.

Mr. KENNEDY. He was thrown out of his job?

Mr. KELLY. Yes, sir. He was vice president and business agent.

Mr. KENNEDY. Had he been elected also?

Mr. KELLY. Yes, sir.

Mr. KENNEDY. And he was just ordered out of his office?

Mr. KELLY. Yes, sir.

Mr. KENNEDY. Did he leave also for the same reason that you did?

Mr. KELLY. Definitely.

Mr. KENNEDY. He wanted to stay healthy?

Mr. KELLY. Definitely.

Mr. KENNEDY. Anybody else?

Mr. KELLY. Well, James Murphy, John Fisher, and Harry Tustin, they were each given \$5,000 apiece to resign.

Mr. KENNEDY. They were paid \$5,000 to get out of the union?

Mr. KELLY. That is right.

Mr. KENNEDY. What position did they hold at that time?

Mr. KELLY. Business agents.

Mr. KENNEDY. They were given \$5,000?

Mr. KELLY. Kelleher resigned and went on pension.

Mr. KENNEDY. Did that give complete control of the union to Raymond Cohen?

Mr. KELLY. Yes, sir.

Mr. KENNEDY. Do you understand that he has complete control over the union at the present time?

Mr. KELLY. Yes, sir.

Mr. KENNEDY. He can run it completely as he sees fit, is that right?

Mr. KELLY. In his position, yes, sir.

Mr. KENNEDY. And in his position of power, he threw you and these other gentlemen out of their position, even though they had been elected?

Mr. KELLY. That is right.

Mr. KENNEDY. And replaced them by his own people?

Mr. KELLY. That is right.

Mr. KENNEDY. Do you understand or do you know if this fear still exists in local 107?

Mr. KELLY. From hearsay, yes, sir. People have told me that they don't get near the office, they are afraid. They don't make a complaint, they are afraid.

Mr. KENNEDY. Have there been other people beaten up since you left there? Do you know that?



Mr. KELLY. Since I left? Yes, I did hear tell of one, Vincent Minisci. He was attacked at the place where he worked one morning, about 3 o'clock, I understand, and given a good going over.

He wound up in the hospital.

Mr. KENNEDY. You were in the Teamsters Union for a long period of time. What is your feeling about a local that is run as this local is now being run?

Mr. KELLY. I wouldn't like to express that kind of language. It is just lousy, to be truthful with you.

The CHAIRMAN. Express it a little mildly, then.

Mr. KELLY. Sir?

The CHAIRMAN. You said you wouldn't like to express that kind of language. I said express it a little mildly.

Mr. KELLY. Lousy.

The CHAIRMAN. What do you mean by lousy?

Mr. KELLY. Well, they practically have no representation today, from what I have heard. Off and on different people stop down to see me. They can't get in to see the business agents. They can't get the business agents to come to the garages. So the only man that can do anything is the steward.

The CHAIRMAN. Do you mean by that that the rights, the democratic rights and privileges of the members have been completely denied them?

Mr. KELLY. Definitely.

The CHAIRMAN. They have no control, no authority, no contact, no entry to the union's affairs?

Mr. KELLY. That is right.

The CHAIRMAN. They are virtually captives. They have to do what they are told to do, if they are to work?

Mr. KELLY. That is right.

The CHAIRMAN. Is that the situation as you honestly believe it to be?

Mr. KELLY. That is the way I believe it to be today; yes, sir. That is from conversation with different members.

The CHAIRMAN. How long after you had been elected before they came in there and told you not to come back?

Mr. KELLY. Well, I was elected in November of 1953, and it was in August of 1954 that they told me not to come back.

The CHAIRMAN. For what term were you elected?

Mr. KELLY. Three years.

The CHAIRMAN. You were elected for 3 years. You still had more than 2 years to go before your term of office would expire?

Mr. KELLY. Yes, sir.

The CHAIRMAN. And you were fired by the president and the secretary-treasurer, and somebody else?

Mr. KELLY. That is right.

The CHAIRMAN. And they really had no authority at all, so far as having been elected by the members?

Mr. KELLY. That is true.

The CHAIRMAN. Is there anything in the constitution or bylaws of the Teamsters or of that local that gave to the president and the secretary-treasurer the right to discharge elected officials.

Mr. KELLY. No, sir; there is not. They must have a hearing before the executive board of the local union, and if that is not satisfactory

to both parties, then they take it to the joint council executive board, and then if that is not satisfactory, they take it to the general executive board of the international.

The CHAIRMAN. In other words, there is a procedure by which, for cause, they can get rid of an elected official.

Mr. KELLY. There is a procedure; yes, sir.

The CHAIRMAN. There is an established procedure by the bylaws and the constitution for the executive board to get rid of an elected officer, but that procedure grants to the officer who has been elected, and who they are trying to oust, or that permits him to have a hearing before the executive board?

Mr. KELLY. That is true.

The CHAIRMAN. Then if not satisfied with the executive board's ruling, either side then can appeal to the joint council?

Mr. KELLY. That is it.

The CHAIRMAN. Was that procedure followed in any sense or any respect with regard to your dismissal?

Mr. KELLY. No, sir.

The CHAIRMAN. Did you ask for a hearing?

Mr. KELLY. I was told to stay away from the place.

The CHAIRMAN. Did you think they meant it?

Mr. KELLY. Knowing them as I do, I know they meant it.

The CHAIRMAN. And it was simply out of a sense of fear for your physical safety that you left when you were ordered to do so?

Mr. KELLEY. That is true.

The CHAIRMAN. Is there anything further?

Senator MUNDT.

Senator MUNDT. Mr. Kelly, you have been a union man for most of your adult life. You described a very unhappy circumstance up there in Philadelphia. Out of the abundance of your experience in the union, how do you think the kinds of situations which you have described can be averted? What legislation is needed, what changes are needed, what has to be done differently to prevent this type of thing from occurring?

Mr. KELLY. Well, sir, in that, I think something should be done.

Senator MUNDT. I think so, too. The question is what?

Mr. KELLY. Just what is to be done, I am not versed in that.

Senator MUNDT. You were on the inside. You were a member. It happened to you, it happened to your union. It has happened in other unions. It has happened in other areas. It is one of the things that this committee is interested in. That is, the restoration of the American rights to the American workingman, the American union member.

If there is some loophole in the law some place, or some deficiency, something is occurring so that we are getting letters from union men and women from all over the country, describing situations, some of them worse than yours, some of them not as bad, but many of them in the same direction.

In order to earn a living in America, a man loses his right to exercise his political judgments, to exercise his free American opinions, to function as a democratic member of a democratic organization. What can be done to stop it? It doesn't do much good to just hear about a case that happened to you. That is unfortunate. But let's try to think out loud about what can be done to prevent this from

happening to some other fellow who is a good, honest worker in the union, who gets elected by his fellows, who has a right to serve them, but who gets booted out by some racketeer.

How do we stop them?

Mr. KELLY. God knows. I don't. I wish I did. I would only be too happy to tell you.

Senator MUNDT. In other words, what can be done by anybody in the State governments, in the Federal Government, in the union movement, what can be done to stop this kind of thing from occurring in an orderly, democratic society like ours?

Mr. KELLY. I couldn't tell you, sir.

Senator MUNDT. Do you think this has to be a part of a labor union movement?

Do you think that we have to continue to have these kinds of things happen?

Mr. KELLY. No; definitely not.

Senator MUNDT. What can be done to help you? Suppose you were back there 10 years ago holding that union job. What could have been done to prevent this from happening?

Mr. KELLY. I think if everything had been taken along the lines of procedure in the constitution, and as Senator McClellan said, through the different executive boards, everything would have been all right. It would have shown some legality about the thing. But to come in and tell a man "Get out and don't come back, or else," that is just out of order.

Senator MUNDT. What do you think would have happened if you said "I am not going to quit on Friday afternoon," and you had gone to the police department instead and said "Look, these goons are threatening me. I want police protection. I want to stay on the job."

What do you think would have happened?

Mr. KELLY. They would have gotten me the same as they had gotten others.

Senator MUNDT. Don't you have any confidence in the police?

Mr. KELLY. Well, the police department, yes, I have a lot of confidence in the Police Department, but they are not always about, and as for giving definite protection, to have a man in the house walking around with me, I wouldn't want it.

Senator MUNDT. Do you think this kind of business is an inevitable part of the labor movement?

Mr. KELLY. Do you mean the way it is going on now?

Senator MUNDT. The way it happened to you.

Mr. KELLY. The only thing I can tell you, Senator, is I don't like it.

Senator MUNDT. I don't like it, either, what can we do to fix it up?

Mr. KELLY. There is nothing I can do about it. I have been out of there since 1954.

Senator MUNDT. That is right. You can't go back and do it individually. But you might have some suggestions for Congress, of something we can do.

Mr. KELLY. I think maybe the Congress or the Senators would have better suggestions than I could make.

Senator MUNDT. What?

Mr. KELLY. I think maybe the Congress or the Senate would have better suggestions than I would make.

Senator MUNDT. Let me ask you this: Suppose at the time Mr. Crumbock's leadership was being challenged by Mr. Cohen, suppose there had been a law which said that in the election of officials, every member of the union shall receive a secret ballot by mail, and shall be permitted to mark it back to a designated post-office box, and accessible only to a mutual objective counting committee who would count the ballots honestly and fairly, do you think that the Teamsters of Philadelphia would have imposed on themselves this kind of tyranny had they been guaranteed that kind of secret ballot, and honest counting?

Mr. KELLY. They would love it.

Senator MUNDT. They would love it?

Mr. KELLY. That is right.

Senator MUNDT. And they never would have voted for Cohen under those circumstances?

Mr. KELLY. That is right.

Senator MUNDT. So the weakness is the failure of Congress to provide legislation requiring honest counting, secret ballot, and giving to the working men and women of this country a chance to express themselves, devoid of fear and devoid of corruption?

Mr. KELLY. I think that is the medicine.

Senator MUNDT. In other words, it is as simple as that. If Congress measures up to its responsibilities and passes the law, a situation like you have described in Philadelphia could not occur.

Mr. KELLY. That is correct.

Senator MUNDT. Thank you.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. You told about 2 men who were given \$5,000 to resign. Whose money was that?

Mr. KELLY. It was a union check.

Senator CURTIS. A union check. The money belonged to the members then; didn't it?

Mr. KELLY. Yes; it did.

Senator CURTIS. Do you think the members had anything to say about it?

Mr. KELLY. They didn't know about it.

Senator CURTIS. They didn't know about it. How many men were paid to resign?

Mr. KELLY. Murphy, Fisher, and Tustin; three.

Senator CURTIS. A total of \$15,000?

Mr. KELLY. That is correct.

Senator CURTIS. Are these workers' who pay in the money, men of high income?

Mr. KELLY. The men that were——

Senator CURTIS. The ordinary members who have to pay the dues; do they have a high income?

Mr. KELLY. No, I wouldn't say it is high.

Senator CURTIS. Therefore, they have to pay out \$15,000 to have 3 fellows resign?

Mr. KELLY. Well, that came out of the treasury. That didn't come out of the memberships' pocket. That comes out of the treasury.

Senator CURTIS. Where does the treasury get its money?

Mr. KELLY. Out of the memberships' pocket.

Senator CURTIS. Do you think the expenditure of that \$15,000 helped the workers?

Mr. KELLY. Definitely not.

Senator CURTIS. It was to their detriment, wasn't it?

Mr. KELLY. Yes, it was.

Senator CURTIS. When you were having this trouble in your local, did you or any of your associates appeal to the International Teamsters' Union to help you out?

Mr. KELLY. Well, Crumback did in the early—he asked for aid from the international. They sent Tom Flynn in as a trustee to take over the union. That is the only time that I know of.

Senator CURTIS. Did that help?

Mr. KELLY. Well, he was there until Cohen was installed in office.

Senator CURTIS. Until who was installed?

Mr. KELLY. Ray Cohen.

Senator CURTIS. Who did he appeal to in the international?

Mr. KELLY. Dave Beck.

Senator CURTIS. And he placed it under trusteeship?

Mr. KELLY. That is correct.

Senator CURTIS. Then they had this election while it was under trusteeship?

Mr. KELLY. That is right.

Senator CURTIS. In other words, this election that you complain of, where the men voted because of fear, was an election actually under the supervision of the international, wasn't it?

Mr. KELLY. That is true.

Senator CURTIS. Would you or any of your members have any rights in court?

Mr. KELLY. In what way, sir?

Senator CURTIS. Could you have gone into court and maintained your rights and opposed the manner of election of officers and do the other things to enforce the provisions of your own constitution and bylaws?

Mr. KELLY. No, sir. It has to be taken up with the joint council first.

(At this point, Senator Mundt withdrew from the hearing room.)

Senator CURTIS. In other words, if a person objects to what is going on in their union, before they can go into court, they have to exhaust all steps and remedies within the union, is that right?

Mr. KELLY. Yes, sir.

Senator CURTIS. What happens to them if they go into court first?

Mr. KELLY. Well, I believe the only thing they could do would be to get an injunction to stop the election or something of that type.

Senator CURTIS. Yes, but the member that starts a court action, he is put out of the union, isn't he?

Mr. KELLY. Definitely.

Senator CURTIS. I think that has been a practice in too many international unions, that when a group have felt that their rights were aggrieved and they have gone into court to maintain them, the practice has been to kick those fellows out of the union, and then they no longer have any rights to protect and, of course, their court action couldn't be maintained.

Mr. KELLY. That is right.



Senator CURTIS. That was done in one case in the UAW-CIO, I believe. This Al Berman, is he a Philadelphia gambler or numbers man?

Mr. KELLY. Yes, sir.

Senator CURTIS. He was made an officer in your union?

Mr. KELLY. Yes, sir.

Senator CURTIS. I want to know, what was his occupation at the time he was made an officer?

Mr. KELLY. He was a steward. He was a steward in one of the garages, a truck driver.

Senator CURTIS. As a steward, does a steward perform services for the employer or just for the union?

Mr. KELLY. Both. He acts as a go-between between the members of that garage and the employer.

Senator CURTIS. By the garage, are you referring to truck drivers, mechanics, or both?

Mr. KELLY. No, just truck drivers.

Senator CURTIS. Was he a truck driver.

Mr. KELLY. He was a truck driver.

Senator CURTIS. As a steward, did he work as a truck driver also?

Mr. KELLY. Yes, sir.

Senator CURTIS. You mentioned this fear of physical assault. Did you ever see anyone while they were being beaten up, or afterwards, or learn firsthand of anybody that was beaten?

Mr. KELLY. I saw one afterwards.

Senator CURTIS. How badly was he beaten?

Mr. KELLY. Well, this fellow was an official, a business agent of the Wilmington local, and we were going to a meeting at 11th and Girard in Philadelphia, and he was right in back of us, my partner and I, going into the meeting hall. Someone picked him off. He was the tail man going into the door, and we didn't see exactly what happened, but we saw him after.

Senator CURTIS. How badly was he beaten up?

Mr. KELLY. He was beaten around the face.

Senator CURTIS. Well, now, just slapped, or how badly was he beaten?

Mr. KELLY. Punched, and he was cut around the mouth, and he had a blackeye.

Senator CURTIS. He had been treated, in other words, very roughly; is that right?

Mr. KELLY. That is right.

Senator CURTIS. Did he tell you how many people attacked him?

Mr. KELLY. No; he was shaken up pretty badly.

Senator CURTIS. You think it was more than one?

Mr. KELLY. Definitely; yes, sir. In fact, he said it was more than one.

Senator CURTIS. Did he attempt to have anybody arrested?

Mr. KELLY. I don't know. I don't know what procedure was taken after that; whether he had anyone arrested or not.

Senator CURTIS. Some weeks ago we were hearing the case of the Operating Engineers Union in the Philadelphia area and we had, as a witness, a man named Ed McCarty who was very severely beaten as he left the union meeting.



He testified that he went before a magistrate in order to cause a warrant to be issued for the arrest of those who had attacked him, and the magistrate said, "Oh, that was just a union brawl, and we don't pay any attention to it."

Is that the general practice of the courts in Philadelphia?

Mr. KELLY. I guess it is according to what magistrate you have the case before.

Senator CURTIS. But people outside the union, businessmen and employers, and people generally, do they fear what these union hoodlums might do to them as well as union members?

Mr. KELLY. Yes, sir.

Senator CURTIS. Do you know some cases of that?

Mr. KELLY. I don't know of any cases where the employers were beaten up, but I do know the employers were afraid of the regime that is in there now.

Senator CURTIS. Are these large-business men or small-business men?

Mr. KELLY. I would say 50 to 100 employees.

Senator CURTIS. And they yield to the union on things they do not believe in, just out of fear?

Mr. KELLY. To keep quiet; yes, sir.

Senator CURTIS. Do any of them pay any money to some of these racketeers for peace?

Mr. KELLY. That I couldn't say.

Senator CURTIS. Do you have an opinion on it, that it may be happening?

Mr. KELLY. No. I couldn't voice an opinion on that; no, sir.

Senator CURTIS. I think that is all, Mr. Chairman.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you, Mr. Kelly. Will you stand aside for the present?

Call the next witness.

Mr. KENNEDY. Mr. Vincent Minisci.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MINISCI. I do.

### TESTIMONY OF VINCENT MINISCI

The CHAIRMAN. State your name, and your place of residence, and your business or occupation.

Mr. MINISCI. My name is Vincent Minisci. I live in the State of California now. I am a teamster.

The CHAIRMAN. Are you a laboring man, and you drive a truck, do you?

Mr. MINISCI. Yes, sir.

The CHAIRMAN. Where do you live in California—all right.

Mr. KENNEDY. Do you spell your name, M-i-n-i-s-c-i?

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. It is Vincent Minisci?

Mr. MINISCI. That is right.

Mr. KENNEDY. You used to live in Philadelphia, did you not?

Mr. MINISCI. That is right.

Mr. KENNEDY. You were a member of local 107?

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. You used to drive there?

Mr. MINISCI. That is right.

Mr. KENNEDY. You drove a truck?

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. For what company?

Mr. MINISCI. Dennis Trucking Co.

Mr. KENNEDY. Dennis Trucking Co., is that right?

Mr. MINISCI. That is right.

Mr. KENNEDY. That is on Morris Street in Philadelphia?

Mr. MINISCI. 25th and Morris Streets.

Mr. KENNEDY. And you have been subpoenaed before this committee, is that right?

Mr. MINISCI. Yes, sir, I have.

Mr. KENNEDY. How long were you a member of the Teamsters Union?

Mr. MINISCI. Since January of 1944.

Mr. KENNEDY. Were you elected a steward by your members of your shop?

Mr. MINISCI. That is right.

Mr. KENNEDY. And you were elected to that position?

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. You were not appointed?

Mr. MINISCI. No.

Mr. KENNEDY. During the campaign between Mr. Cohen and Mr. Crumbock for Secretary-Treasurer of local 107, were you interested in the election of Mr. Crumbock?

Mr. MINISCI. I certainly was; yes, sir.

Mr. KENNEDY. You felt he was better for the union?

Mr. MINISCI. Well, in my opinion; yes, sir.

Mr. KENNEDY. Now, was it known that you supported Mr. Crumbock in the election?

Mr. MINISCI. I think it was; yes, sir.

Mr. KENNEDY. Were you beaten during this period of time of the election?

Mr. MINISCI. No, not during the period of the election.

Mr. KENNEDY. But immediately following?

Mr. MINISCI. Yes, sir. I would say a month after the election I was.

Mr. KENNEDY. Could you tell the committee what happened?

Mr. MINISCI. Well, as you know, I was steward of the garage down there, and I went up to pay the dues for the members and I was inside the building and I was cautious because I knew they didn't have too much love for me as it was.

When I was in the building there I noticed these fellows coming from upstairs. They came out and they went out the door, and I finished my business inside there, and I walked out the door, and one of the members called me to the curb and he said, "I want to talk to you."

As I walked toward him somebody hit me on the back of the head with something or his fist.

Mr. KENNEDY. Who called to you to come to the curb?

Mr. MINISCI. Mr. Armand Palmeri.

Mr. KENNEDY. And he was a supporter of Mr. Cohen, is that right?

Mr. MINISCI. Definitely so.

Mr. KENNEDY. And he told you to come to the curb and you walked over toward him?

Mr. MINISCI. That is right.

Mr. KENNEDY. And what happened then?

Mr. MINISCI. Someone hit me from behind, and I fell on my hands and knees, and I rolled over to see who it was, and somebody kicked me, and just kept beating me around, and I managed to get away on my own power after a severe beating.

Mr. KENNEDY. How long did this last?

Mr. MINISCI. I would say it seemed like an eternity to me, but I guess it was only about 10 or 15 seconds or better.

Mr. KENNEDY. How many of them were there?

Mr. MINISCI. There were three of them that I recall.

Mr. KENNEDY. Once you were down on the ground, were you kicked then?

Mr. MINISCI. Yes, sir; I was.

Mr. KENNEDY. One of them was holding you?

Mr. MINISCI. They didn't have to hold me. I guess I couldn't get around on my own power at the time.

Mr. KENNEDY. Were you able to identify any of these people?

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. Could you tell us who they were?

Mr. MINISCI. There was an Armand Palmeri, Yutz Miller, and a fellow they called Cinders.

Mr. KENNEDY. Yutz Miller?

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. And the other one is Cinders?

Mr. MINISCI. I think it is Cendrowski or something of that order.

Mr. KENNEDY. Joseph Cendrowski, C-e-n-d-r-o-w-s-k-i?

Mr. MINISCI. Perhaps it is.

Mr. KENNEDY. And he was also a supporter or these other two were also supporters of Cohen?

Mr. MINISCI. Yes.

Mr. KENNEDY. Did you have any idea as to why you were beaten?

Mr. MINISCI. Well, they said that I had an argument at the time, and I worked on the polls, campaigning for Crumbock, and this Palmeri fellow was there at the time, and we had a little discussion there which was nothing, just a little mouthy argument, I guess, and that is all there was to it.

Mr. KENNEDY. And you think it was in connection with the election?

Mr. MINISCI. Definitely it was.

Mr. KENNEDY. Did you report this to the police?

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. Did you report these three individuals to the police?

Mr. MINISCI. That is right.

Mr. KENNEDY. Were they arrested?

Mr. MINISCI. No; they weren't.

Mr. KENNEDY. What happened?

Mr. MINISCI. They just let the thing by, and I don't know why, or I never pressed any charges for the simple reason I was afraid to.

Mr. KENNEDY. You were afraid to?

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. Now, Mr. Chairman, if it is satisfactory, Mr. Minisci has some more testimony to give; but as long as he knows the three individuals who beat him at that time, I would like to see if he could identify them here in the room.

The CHAIRMAN. All right, sir. The witness will rise and survey the committee room, and ascertain whether the three men whom you have testified about are present, and if so, point them out.

Mr. KENNEDY. You can walk back there.

Mr. MINISCI. This is "Cinders" there, and Palermi.

Mr. KENNEDY. Would you specifically point them out?

Mr. MINISCI. That is the three of them.

Mr. KENNEDY. You have the three of them?

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. Point them out, and you three men come around, please.

Mr. MINISCI. Here they are.

The CHAIRMAN. You have heard your names called. Will you come around.

All right, Mr. Witness, you may return.

You gentlemen have a seat.

Let me ask the witness, What was the date that these men beat you? Do you recall the date?

Mr. MINISCI. If I am not mistaken, it was the early part of June, and I think it was about June 5 or 7, in that area.

The CHAIRMAN. What year?

Mr. MINISCI. 1954.

The CHAIRMAN. Of 1954?

Mr. MINISCI. Yes, sir.

The CHAIRMAN. Counsel advises me you have some other testimony to give, but in the meantime I am going to ask you to stand aside a moment, and you three gentlemen come right up to the front, will you.

Hold up your right hands and be sworn. Do you and each of you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CENDROWSKI. I do.

Mr. PALERMI. I do.

Mr. MILLER. I do.

#### **TESTIMONY OF ARMAND PALERMI, JOSEPH CENDROWSKI, AND YUTZ MILLER, ACCOMPANIED BY THEIR COUNSEL, JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ**

The CHAIRMAN. Beginning on my left, the witness will state his name, and his place of residence, and his business or occupation.

Mr. MILLER. Arthur Miller, No. 4 East Ninth Avenue, Pine Hill, N. J. I am a driver for United Parcels.

The CHAIRMAN. All right, the next one will state his name, and his place of residence, and his business or occupation.

Mr. CENDROWSKI. Joseph Cendrowski, 5357 Headam Street, Philadelphia, dispatcher.

The CHAIRMAN. What is your business?

Mr. CENDROWSKI. Dispatcher.

The CHAIRMAN. All right, the next one, please.

Mr. PALERMI. Armand Palmeri, 5139 T Street, Philadelphia, driver for Schachts Express.

The CHAIRMAN. Proceed.

Mr. KENNEDY. What are the responsibilities of a dispatcher, Mr. Cendrowski? What do you do as a dispatcher?

Mr. CENDROWSKI. Pardon me, sir.

(Witness consulted with his counsel.)

The CHAIRMAN. The Chair should ask you, do you have counsel present, and let me ascertain if they are. Counsel, will you identify yourself for the record?

Mr. CARROLL. We will do that. As you know I am John Rogers Carroll, 2015 Land Title Building, Philadelphia, and with me is Richard H. Markowitz, Philadelphia, Savings Fund Building, also in Philadelphia. We represent these three witnesses.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Cendrowski, what are the responsibilities of a dispatcher?

Mr. CENDROWSKI. Pardon me.

(Witness consulted with counsel.)

Mr. CENDROWSKI. I put the cards in as the members come in.

The CHAIRMAN. You do what?

Mr. CENDROWSKI. I put the members' cards in, as they come in for work, and place their cards in, and then I dispatch them out the same way.

The CHAIRMAN. You direct the drivers where to go and when to go?

Mr. CENDROWSKI. When they are called. When they call in for a driver or helper, or a platform man, or a 6-wheel man, I take them out in turn as I put them in, and dispatch them the same way.

Mr. KENNEDY. If an employer needs a driver, then they call you; is that right?

Mr. CENDROWSKI. There are three of us.

Mr. KENNEDY. What is that?

Mr. CENDROWSKI. There are three of us.

Mr. KENNEDY. Who are the other two in there with you?

Mr. CENDROWSKI. Well, two fellows work with me.

Mr. KENNEDY. They work for you?

Mr. CENDROWSKI. No.

Mr. KENNEDY. They work with you?

Mr. CENDROWSKI. Yes.

Mr. KENNEDY. Who are they?

Mr. CENDROWSKI. Pete Lusco and Walter Mitchell.

Mr. KENNEDY. You are the one who is in charge of it?

Mr. CENDROWSKI. No, sir.

Mr. KENNEDY. Who is in charge of it?

Mr. CENDROWSKI. Walter Mitchell.

Mr. KENNEDY. Mitchell is in charge?

Mr. CENDROWSKI. Yes, sir.

Mr. KENNEDY. Do you work under him?

Mr. CENDROWSKI. We work together.

Mr. KENNEDY. You work together?

Mr. CENDROWSKI. Yes, sir.



Mr. KENNEDY. So if an employer needs a driver, he calls in and you are the one that makes the determination as to which driver will go out?

Mr. CENDROWSKI. Whichever one takes the message.

Mr. KENNEDY. Whichever one takes the message?

Mr. CENDROWSKI. Yes, sir.

Mr. KENNEDY. But it is sort of in the form of a hiring hall; is that right?

Mr. CENDROWSKI. Yes, sir.

Mr. KENNEDY. That is the way you work in a hiring hall, and you are the one who makes the determination. This group of three makes a determination as to which one of the drivers is going to get the job, is that right?

Mr. CENDROWSKI. Whatever the employer asks for.

Mr. KENNEDY. If an employer asks for a driver, but otherwise you are the ones who make the determination?

Mr. CENDROWSKI. What they ask for, we send out.

Mr. KENNEDY. If they ask for 2 or 3 drivers, or 2 drivers, you send out 2 drivers?

Mr. CENDROWSKI. That is right.

Mr. KENNEDY. You are the ones who make the decision which two drivers will be sent out?

Mr. CENDROWSKI. The ones in turn, as their names come up.

Mr. KENNEDY. That is the way it is supposed to be done; is that right?

Mr. CENDROWSKI. That is right.

Mr. KENNEDY. How did you get this position of dispatcher at the hiring hall?

Mr. CENDROWSKI. Pardon me.

(Witness consulted with counsel.)

Mr. CENDROWSKI. I was appointed by Mr. Cohen.

Mr. KENNEDY. You were appointed by Mr. Cohen?

Mr. CENDROWSKI. Yes, sir.

Mr. KENNEDY. When were you appointed?

Mr. CENDROWSKI. I don't know.

Mr. KENNEDY. Approximately when, 1954?

Mr. CENDROWSKI. No; it was after that, some time, I believe.

Mr. KENNEDY. What year was it? How long have you held the job?

Mr. CENDROWSKI. I can't remember exactly.

Mr. KENNEDY. How long have you held the job?

Mr. CENDROWSKI. A couple of years or so.

Mr. KENNEDY. You have pretty much control over the jobs for the Teamsters in that area, do you not?

Mr. CENDROWSKI. Pardon me.

(Witness consulted with counsel.)

Mr. KENNEDY. You would know that?

(Witness consulted with counsel.)

The CHAIRMAN. The Chair is going to remind counsel and the witness, counsel is here—

Mr. CENDROWSKI. I don't have control over them, only I send them out as the membership put their cards in, and I send them out.

The CHAIRMAN. Let the Chair remind counsel and the witnesses that counsel is here at the sufferance of the committee, and counsel is



permitted to give legal advice to his client, to be blunt about it, as to whether he thinks he should take the fifth amendment or not, if that is what you want to do.

But the counsel is not permitted to put words in the witness' mouth nor to testify for him. The committee is going to require counsel to observe proper regard for the rules of the committee.

Mr. CARROLL. As you know, we have always observed this committee's rules, and intend to continue to do so.

The CHAIRMAN. Well, the Chair is going to help you.

Mr. CARROLL. We are not putting words in the witness' mouth, and I hope you won't think so.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Tell me this, Mr. Cendrowski: What was it in your background that made Mr. Raymond Cohen select you for this important position?

Mr. CENDROWSKI. Pardon me.

(Witness consulted with counsel.)

Mr. CENDROWSKI. I don't know, sir.

Mr. KENNEDY. He just selected you, and you don't know why it was?

Mr. CENDROWSKI. No, sir.

Mr. KENNEDY. You don't know why?

Mr. CENDROWSKI. No, sir.

Mr. KENNEDY. How many times have you been arrested, for instance?

Mr. CENDROWSKI. Quite a few times.

Mr. KENNEDY. How many times?

Senator CURTIS. I can't hear the witness.

Mr. CENDROWSKI. I can't remember.

The CHAIRMAN. Get a little closer to the microphone.

Mr. CENDROWSKI. I don't know, sir.

Mr. KENNEDY. You don't know how many times?

Mr. CENDROWSKI. I know I have been arrested but how many times I can't tell you.

Senator CURTIS. I can't understand what he says. I wish he would speak up.

Mr. CENDROWSKI. I have been arrested, but I can't remember how many times.

Mr. KENNEDY. How many times have you been convicted?

Mr. CENDROWSKI. Pardon me.

(Witness consulted with counsel.)

Mr. CENDROWSKI. I got 10 days I think, and 3 years, and on probation or something like that and I don't exactly recall.

Mr. KENNEDY. You don't exactly recall?

Mr. CENDROWSKI. No.

Mr. KENNEDY. According to the record you have been arrested 17 times; is that about right?

Mr. CENDROWSKI. I don't know, and I couldn't say.

Mr. KENNEDY. You don't know, and you have received 3 years probation in 1931 for larceny.

Mr. CENDROWSKI. I believe so.

Mr. KENNEDY. Do you remember that?

Mr. CENDROWSKI. Yes, sir.

Mr. CHAIRMAN. Do you recall it?

Mr. CENDROWSKI. I don't know exactly, sir.

The CHAIRMAN. Were you convicted for larceny? You know whether you were or were not.

(Witness consulted with counsel.)

Mr. CENDROWSKI. I think it was 3 years, I believe. It was 10 days, I think, and the rest is probation.

Mr. KENNEDY. Are you sure that wasn't the burglary for which you were convicted in 1940?

Mr. CENDROWSKI. That I don't know.

Mr. KENNEDY. According to our records, you were convicted of larceny in 1931, and you received 3 years' probation and costs; in 1935, disorderly conduct on the highway, 5 days in county prison; and, in 1936, inciting to riot, fined \$100 and cost or 30 days.

Then you were convicted of unlawful assembly in 1937, and burglary in 1940, 10 days to 3 years. And then there were about 13 or 14 other arrests.

Did that have anything to do with Mr. Raymond Cohen selecting you for this important position or of determining who was to get the mobs in local 107?

Mr. CENDROWSKI. I don't know, sir.

Mr. KENNEDY. Did you take part in his campaign?

Mr. CENDROWSKI. Just a moment, sir, pardon me.

(Witness consulted with counsel.)

Mr. CENDROWSKI. I refuse to answer the question on the grounds that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. All I am asking you is if you took part in Mr. Raymond Cohen's campaign for secretary-treasurer of local 107. Did you?

Mr. CENDROWSKI. I refuse to answer the question on the grounds that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you contribute money to Mr. Cohen's campaign?

Mr. CENDROWSKI. I refuse to answer the question on the grounds that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Were certain of the criminal element in Philadelphia interested in Mr. Cohen's election for secretary-treasurer of local 107?

Mr. CENDROWSKI. Pardon me.

(Witness consulted with counsel.)

Mr. CARROLL. Could we ask the reporter to repeat that question for us, please?

(The pending question was read by the reporter.)

Mr. CENDROWSKI. That I don't know.

Mr. KENNEDY. Do you know anybody else who had a criminal record that was interested in Mr. Cohen's election, other than yourself?

Mr. CENDROWSKI. Pardon me.

(The witness conferred with his counsel.)

Mr. CENDROWSKI. I refuse to answer the question on the grounds that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. That is on the question as to whether you know anyone else with criminal records who were supporting Raymond Cohen for this position?

Mr. CENDROWSKI. Pardon me.

(The witness conferred with his counsel.)

Mr. CENDROWSKI. I refuse to answer the question on the grounds that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Do you know Mr. Raymond Cohen?

Mr. CENDROWSKI. Yes, sir.

Mr. KENNEDY. How long have you known him?

Mr. CENDROWSKI. I don't know exactly.

Mr. KENNEDY. Well, approximately how long?

(The witness conferred with his counsel.)

(At this point, Senator Goldwater entered the hearing room.)

Mr. CENDROWSKI. About 1937-38.

Mr. KENNEDY. Have you ever had any business dealings with him?

Mr. CENDROWSKI. Pardon me.

(The witness conferred with his counsel.)

(At this point the following members were present: Senators McClellan, Curtis, and Goldwater.)

The CHAIRMAN. Let's move along.

Mr. CENDROWSKI. I refuse to answer the question on the grounds that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Have you had any financial transactions with him?

Mr. CENDROWSKI. I refuse to answer the question on the grounds that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Have you received any money from the union since the election in 1954?

Mr. CENDROWSKI. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Has Mr. Cohen given you any cash since the election in 1954?

Mr. CENDROWSKI. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Do you know Mr. Vincent Minisci?

Mr. CENDROWSKI. Pardon me.

(The witness conferred with his counsel.)

Mr. CENDROWSKI. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. On or about June 7, 1954, did you and two other gentlemen beat Mr. Minisci?

(The witness conferred with his counsel.)

Mr. CENDROWSKI. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you beat Mr. Minisci on the instructions or orders of anyone in the local?

Mr. CENDROWSKI. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you discuss the beating of Mr. Minisci with Mr. Raymond Cohen?

Mr. CENDROWSKI. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Mr. Miller, let me ask you a question. You have been in local 107 for how long?

Mr. MILLER. From 1938 to 1958 would be 20 years, I presume.

Mr. KENNEDY. And did you support Mr. Raymond Cohen for the position of secretary-treasurer?

Mr. MILLER. Pardon me, sir.

(The witness conferred with his counsel.)

Mr. MILLER. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you give any financial support to Mr. Cohen in that election?

Mr. MILLER. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Do you know Mr. Minisci?

(The witness conferred with his counsel.)

Mr. MILLER. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you and two other men, in early June of 1954, beat Mr. Minisci outside the union headquarters?

Mr. MILLER. Pardon me, sir.

(The witness conferred with his counsel.)

Mr. MILLER. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you discuss that beating with any union official?

Mr. MILLER. Pardon me, sir.

(The witness conferred with his counsel.)

Mr. MILLER. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you discuss it with Mr. Raymond Cohen?

Mr. MILLER. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you receive any cash from Mr. Raymond Cohen of local 107 after he became secretary-treasurer?

Mr. MILLER. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Mr. Palermi, how long have you been with local 107?

Mr. PALERMI. Since 1944.

Mr. KENNEDY. Did you support Mr. Raymond Cohen in his campaign for secretary-treasurer?

Mr. PALERMI. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Do you know Mr. Vincent Minisci?

Mr. PALERMI. I refuse to answer on the same ground, for the same reason.

Mr. KENNEDY. Did you and two other men join in the beating of Mr. Minisci in early June of 1954?

Mr. PALERMI. I refuse to answer for the same reason.

Mr. KENNEDY. Have you received any cash payment from Mr. Raymond Cohen?

Mr. PALERMI. I refuse to answer for the same reason.

Mr. KENNEDY. Did you discuss this beating with any official of local 107?

Mr. PALERMI. I refuse to answer for the same reason.

Mr. KENNEDY. Did you receive instructions to beat Mr. Minisci from any local union official?

Mr. PALERMI. I refuse to answer for the same reason.

Mr. KENNEDY. Did you receive those instructions from Mr. Raymond Cohen?

Mr. PALERMI. I refuse to answer for the same reason.

Mr. KENNEDY. Starting with you, Mr. Palermo, do you know Mr. Ben Lapensohn?

(The witness conferred with his counsel.)

Mr. PALERMI. Pardon me.

(The witness conferred with his counsel.)

Mr. PALERMI. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Mr. Cendrowski, do you know Mr. Ben Lapensohn?

Mr. CENDROWSKI. Pardon me.

(The witness conferred with his counsel.)

Mr. CENDROWSKI. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Mr. Miller, do you know Mr.——

Mr. MILLER. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Do you know Mr. Lapensohn? I didn't get the name out.

Mr. MILLER. I refuse to answer the question on the ground I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. I guess that is all, Mr. Chairman.

The CHAIRMAN. Mr. Cendrowski, you heard Mr. Minisci testify here, didn't you, a few moments ago?

Mr. CENDROWSKI. Pardon me?

The CHAIRMAN. You heard Mr. Minisci testify here a few moments ago, didn't you?

Mr. CENDROWSKI. Pardon me.

(The witness conferred with his counsel.)



The CHAIRMAN. You can answer that yes or no. It is not going to intimidate you. Everybody in the caucus room here saw you in here and heard him testify. You heard him testify, didn't you?

Mr. CENDROWSKI. Yes, sir.

The CHAIRMAN. Did he tell the truth?

(The witness conferred with his counsel.)

Mr. CENDROWSKI. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Answer this one: Are you regarded up there as a common thug?

Mr. CENDROWSKI. Pardon me.

(The witness conferred with his counsel.)

Mr. CENDROWSKI. Certainly not.

The CHAIRMAN. Definitely not. Isn't that the reason you were employed?

Mr. CENDROWSKI. Pardon me.

(The witness conferred with his counsel.)

The CHAIRMAN. The Chair is going to have this witness answer the question. He has sense enough to take the fifth amendment, if he wants to do it. I am not going to have you putting words in his mouth.

Mr. CARROLL. Senator, I have just finished instructing him he has no right to plead the fifth amendment on that question. He is going to answer it.

The CHAIRMAN. Let him answer it. Proceed. I don't want to take up all day here with these dilatory tactics. Move along.

(The witness conferred with his counsel.)

The CHAIRMAN. Is that the reason you were employed?

(The witness conferred with his counsel.)

Mr. CENDROWSKI. I have already told you, sir; no.

The CHAIRMAN. That you were not employed for that reason?

Mr. CENDROWSKI. No, sir.

The CHAIRMAN. Is that part of your job, to go around and beat up people, that Cohen and that crowd don't like?

Mr. CENDROWSKI. Of course not.

The CHAIRMAN. It is not. Did you beat up this man or help beat him up?

Mr. CENDROWSKI. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. If you answered the question, would you be giving evidence against yourself?

Mr. CENDROWSKI. Pardon me.

(The witness conferred with his counsel.)

Mr. CENDROWSKI. There might be some evidence against me.

The CHAIRMAN. Well, it couldn't be any evidence against you, it would be evidence for you, if you didn't. Do you realize that? Had that occurred to you? If you didn't and say you didn't, that would be evidence for you and not against you.

(The witness conferred with his counsel.)

Mr. CENDROWSKI. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.



The CHAIRMAN. If you three men did this, I hope you are proud of your cowardly act, taking three men to go out there and beat up somebody. Are you proud of it?

Silence gives consent, I assume. You are very proud of such a cowardly act, to go out and beat a man up, three of you; is that correct?

(The witness conferred with his counsel.)

Mr. CARROLL. Pardon me, Senator. I don't think it is clear which witness the question is directed to.

The CHAIRMAN. The witness knows.

Mr. CARROLL. I thought you said all three.

The CHAIRMAN. I am directing the question to the witness that I have been interrogating. The one in the center.

(The witness conferred with his counsel.)

Mr. CENDROWSKI. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Do you want to leave the record this way?

Mr. CENDROWSKI. Pardon me.

(The witness conferred with his counsel.)

Mr. CENDROWSKI. The record speaks for itself.

The CHAIRMAN. Are there any other questions?

Senator Goldwater?

Senator Curtis?

Senator CURTIS. I would like to ask a question.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Have you received any money from employers since you have held your position; your present position?

(The witness conferred with his counsel.)

Mr. CENDROWSKI. No, sir; I did not.

Senator CURTIS. Who pays your salary?

Mr. CENDROWSKI. Pardon me.

(The witness conferred with his counsel.)

Mr. CENDROWSKI. I am paid by the union. I work for them.

Senator CURTIS. What was your answer?

Mr. CENDROWSKI. I am paid by the union; my salary.

Senator CURTIS. Have you received any money from the union in addition to your salary?

Mr. CENDROWSKI. Pardon me.

(The witness conferred with his counsel.)

Mr. CENDROWSKI. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Senator CURTIS. Have you received any money from any of the gambling interests in the Philadelphia area, since you have held your present job?

Mr. CENDROWSKI. I did not, sir.

Senator CURTIS. Have you ever worked for any other union besides this Local 107 of the Teamsters' Union?

Mr. CENDROWSKI. Pardon me.

(The witness conferred with his counsel.)

Mr. CENDROWSKI. Not that I know of, sir.

Senator CURTIS. What was your answer?

Mr. CENDROWSKI. Not that I know of, sir.

Senator CURTIS. You would know whether you have ever worked for any other union besides the Teamsters.

Mr. CENDROWSKI. Pardon me.

(The witness conferred with his counsel.)

Mr. CENDROWSKI. I only worked for 107. I work for 107, and I get paid by 107 for my work.

Senator CURTIS. Before that, have you ever worked for any other union?

(The witness conferred with his counsel.)

Mr. CENDROWSKI. Not that I know of, sir.

Senator CURTIS. Well, you would know whether you ever worked for a union.

Mr. CENDROWSKI. All I work for is for 107. I don't remember working for anybody.

Senator CURTIS. How long have you been working for 107?

Mr. CENDROWSKI. Three years, I would say.

Senator CURTIS. What did you do before that?

Mr. CENDROWSKI. I drove a truck.

Senator CURTIS. How long had you driven a truck?

Mr. CENDROWSKI. At the last place I worked was Rudolph Motor.

Senator CURTIS. How long?

Mr. CENDROWSKI. Eight years.

Senator CURTIS. What did you do before that?

Mr. CENDROWSKI. I worked on trucks.

Senator CURTIS. What is that?

Mr. CENDROWSKI. I worked the same thing, on trucks.

Senator CURTIS. You have driven a truck ever since you reached adulthood?

Mr. CENDROWSKI. What is that, sir?

Senator CURTIS. All your life, have you driven a truck?

Mr. CENDROWSKI. Most of the time, so far as I remember.

Senator CURTIS. What other jobs have you held besides truck driving?

Mr. CENDROWSKI. Pardon me.

(The witness conferred with his counsel.)

The CHAIRMAN. Either answer the question or take the fifth amendment. Let's move along.

Witness?

Witness?

Mr. CENDROWSKI. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Senator CURTIS. This employment that you refuse to tell me about because it might incriminate you, was that for a union?

Mr. CENDROWSKI. I already told you, I never worked for any union except for 107.

Senator CURTIS. Except 107?

Mr. CENDROWSKI. Yes, sir.

Senator CURTIS. Who did you work for besides 107 and besides your work as a truck driver?

Mr. CENDROWSKI. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Senator CURTIS. How long have you lived in the Philadelphia area?

Mr. CENDROWSKI. As far as, I believe——

Senator CURTIS. I can't hear you.

Mr. CENDROWSKI. All my life, I would say.

Senator CURTIS. All your life. Who were you working for just prior to your arrest for larceny?

Mr. CENDROWSKI. Pardon me.

(The witness conferred with his counsel.)

Mr. CENDROWSKI. What was the date? What date was that, sir?

Senator CURTIS. I don't know. You ought to know where you were working when you got into this trouble with regard to larceny. 1931.

(The witness conferred with his counsel.)

Mr. CENDROWSKI. No, sir, I do not remember.

Senator CURTIS. You don't remember where you were working at that time.

When you were charged with burglary, in 1940, for whom were you working?

(The witness conferred with his counsel.)

Mr. CENDROWSKI. I can't remember. It is so far back I can't recall.

Senator CURTIS. You can't remember?

Mr. CENDROWSKI. I can't recall.

Senator CURTIS. Certainly, you would know what your occupation was in 1931, at the time you were charged with larceny. What was your occupation?

(The witness conferred with his counsel.)

Mr. CENDROWSKI. I cannot recall, sir; remember, it is a good while back. I can't remember.

(The witness conferred with his counsel.)

The CHAIRMAN. Is there anything further?

(The witness conferred with his counsel.)

The CHAIRMAN. Let's proceed.

Senator CURTIS. Did you ever engage in beating anyone up other than this witness, Vincent A. Minisci?

Mr. CENDROWSKI. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Senator CURTIS. This committee has taken a lot of testimony of violence, and to my mind this beating up of people for control of a union is pretty low. We spent a number of weeks taking the testimony of violence which was equally as bad, and that is having these union thugs beat up people who are exercising their right to go to work. I think the whole category of violence is a stigma that the people in charge of our unions in the country ought to put a stop to.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. I might say, Mr. Chairman, that based on our preliminary study, not only does Mr. Cendrowski have a criminal record, a considerable one, but at least 5 out of the 6, or 5 out of the business agents, have had some major difficulties with the law, and all of the organizers of this local 107 since Mr. Raymond Cohen took over the union have had major difficulties with the law.

The CHAIRMAN. Is it your view that you just have a bunch of thugs and crooks up there running this union? Is that your viewpoint?

Mr. CENDROWSKI. Pardon me.

(The witness conferred with his counsel.)

Mr. CENDROWSKI. No, that is not true. I wouldn't say that. I don't know.

The CHAIRMAN. You don't know. Is there anything further?

Mr. KENNEDY. He was mentioning the other man in the hiring hall, which, of course, is a very important position, because they have control over the jobs of the members of the union.

Mr. Peter Luscko has a very long criminal record, including spending 5 to 10 years in the Eastern States Penitentiary for larceny, and attempting to kill a patrolman.

The CHAIRMAN. Were you in the same penitentiary with him?

Mr. CENDROWSKI. No, sir.

The CHAIRMAN. The committee will stand in recess until 2 o'clock.

(Whereupon, at 12:10 p. m. a recess was taken until 2 p. m. with the following members present: Senators McClelland, Curtis, and Goldwater.)

#### AFTERNOON SESSION

The CHAIRMAN. We will proceed.

(Members of the committee present at the convening of the session were: Senators McClellan and Curtis.)

Mr. KENNEDY. Mr. Minisci, will you return to the stand.

#### TESTIMONY OF VINCENT MINISCI—Resumed

Mr. KENNEDY. You told us, Mr. Minisci, of this meeting that took place in June of 1954, and you continued in your job after that, did you?

Mr. MINISCI. That is right.

Mr. KENNEDY. Did you have any difficulties with any representatives of Mr. Cohen or local 107 after that date?

Mr. MINISCI. No; I didn't have any difficulty with the business agents or anybody like that, but I couldn't very well get satisfaction for the men on the job.

Mr. KENNEDY. You could not what?

Mr. MINISCI. Get any satisfaction for any kind of grievances or anything like that.

Mr. KENNEDY. While you were steward?

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. You were having difficulty processing the grievances?

Mr. MINISCI. That's right.

Mr. KENNEDY. So did you resign then?

Mr. MINISCI. I resigned of my own accord.

Mr. KENNEDY. Someone else took your place?

Mr. MINISCI. That is right.

Mr. KENNEDY. Did you have any other difficulties with the union?

Mr. MINISCI. No. Well, later on in 1956, there was a possibility. It all leads to that.

Mr. KENNEDY. Tell us what happened in 1956?

Mr. MINISCI. Well, in 1956, in October, the evening before I took the second beating, I got a phone call from Bob Rifkin. He informed me that the boys were up after him at his apartment trying to break into his apartment and beat him up.

They finally managed to grab these boys and lock them up.

Mr. KENNEDY. Now, wait until we go back.

Had you attended a meeting, or had you been opposed to Raymond Cohen?

Mr. MINISCI. That is right.

Mr. KENNEDY. During this period of time?

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. And you had attended a meeting at Mr. Rifkin's apartment?

Mr. MINISCI. That is right.

Mr. KENNEDY. What is his first name?

Mr. MINISCI. Robert Rifkin.

Mr. KENNEDY. How many of you were at the apartment?

Mr. MINISCI. I would say about 8 or 10.

Mr. KENNEDY. This is in October of 1956?

Mr. MINISCI. That is right.

Mr. KENNEDY. What were you discussing at the apartment?

Mr. MINISCI. Possibilities of trying to see what is going on with all of the money, and things like that, which is the only natural thing to figure.

Mr. KENNEDY. Had you understood that Mr. Cohen was taking trips to Florida at union expense?

Mr. MINISCI. Yes, sir; I did.

Mr. KENNEDY. And that, also, he had a yacht?

Mr. MINISCI. Yes; I heard that, too.

Mr. KENNEDY. And were you getting together to try to inquire into whether the union funds were being misused?

Mr. MINISCI. That is right.

Mr. KENNEDY. That was the purpose of the meeting?

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. Was there anything else that you could think of?

Mr. MINISCI. That is all I remember of.

Mr. KENNEDY. And about 8 or 10 of you attended the meeting.

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. So you left the meeting, and then did Mr. Rifkin call you the following night?

Mr. MINISCI. Let me see. Yes; it was the following night, and I believe it was the following night.

Mr. KENNEDY. Did he tell you people had been prowling around his home?

Mr. MINISCI. Trying to break into his apartment.

Mr. KENNEDY. And had the police picked two of those individuals up?

Mr. MINISCI. Yes, they did.

Mr. KENNEDY. Now, did you personally have any difficulty?

Mr. MINISCI. Yes, I did.

Mr. KENNEDY. Would you describe that?

Mr. MINISCI. Quite a lot of it.

Mr. KENNEDY. Would you describe that?

Mr. MINISCI. I went to work the next morning at my job. I usually start, or I did start between 1 and 2 or 3 o'clock in the morning.

I got down around the garage there, and I was a little cautious on the outside there, and it was kind of dark around the neighborhood, and I finally managed to get inside the yard, and we have a big fence



all around our garage and lot, and it seemed kind of funny that morning because all of the lights were out in the yard and there were no floodlights on.

I was the only man that started at 3 o'clock. As a rule there were more than myself, or 4 or 5 boys there to start at that time in the morning.

So, as I went along with the procedure of hooking up my trailer to my tractor, and I distinctly remember the dispatcher starting in front of my truck, and the first thing I knew somebody came up on the side of me from underneath the trailer or where, I don't remember, and hit me alongside of the head, the left side with a pipe.

I threw myself inside the cab of the truck, and someone opened the door on the right-hand side and hit me on the top of the head with a hammer.

I still have a hole up there to prove my point.

Mr. KENNEDY. As you crawled into your cab, someone opened the other door and hit you on the head?

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. You still have a hole in your head?

Mr. MINISCI. I certainly do.

Mr. KENNEDY. That is right up at the top?

Mr. MINISCI. Right at the top of my head. I tried to kick this other fellow off that was hitting me with the pipe, and keep my hand on top of my head, and my leg was out of the door, and he kept hitting me in the shins and broke up all of my shins; and this other fellow hit me across the arm with a hammer.

The dispatcher ran away then, and he didn't want no parts of that, and they left as soon as they can, and I don't know where or how they got in there or if they were admitted or not.

Mr. KENNEDY. The individual hitting you around the legs—was that with a club?

Mr. MINISCI. With a pipe.

Mr. KENNEDY. With a pipe?

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. How long did the beating go on?

Mr. MINISCI. I guess it was 60 seconds or so, a minute, I imagine.

Mr. KENNEDY. Then did they leave?

Mr. MINISCI. They left; yes, sir.

Mr. KENNEDY. What did you do?

Mr. MINISCI. Well, in turn I was fortunate enough not to become unconscious, and I went back up to the garage, and the dispatcher was standing there.

Mr. KENNEDY. Were you covered with blood?

Mr. MINISCI. All over, and I said to him, "Why don't you call the police or do something?" and he said, "I am too nervous; you call the police."

So I myself, I called them. I turned and got in the police car, and I went to the hospital, and I was treated.

Mr. KENNEDY. Could you identify any of the people who hit you?

Mr. MINISCI. The only thing I remember, sir, is I remember seeing a blue Ford, a 1955 Ford, two-tone blue and white. That was a strange car in the neighborhood.

In turn I found out that it had mirrors on the side of the fenders, which was one of the marks I remembered clearly, and through friends



I finally found out, and I imagine it was the tag number, and I found out it belonged to a fellow, I don't recall his name, but he lived on South Front Street, 920 South Front Street, in that area somewhere.

He worked out at the A. & P. warehouse, in Lansdowne. That is as far as I could have gotten, and from then on I couldn't get any further.

Mr. KENNEDY. Did you turn that information over to the police?

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. Was anybody arrested in connection with it?

Mr. MINISCI. Nobody; not as I recall.

Mr. KENNEDY. Now, did you have treatment at that time?

Mr. MINISCI. Yes, sir; I did.

Mr. KENNEDY. Would you tell the committee if you went to the hospital?

Mr. MINISCI. Yes, and they in turn released me and I had a concussion, and I didn't realize how bad off I was, and so in turn I tried to go back to work, and my run was down in through Washington here, in Arlington, Va., and I got as far as Bladensburg Road here that morning, I remember, and I had an accident, a rear end collision.

I don't remember if I passed out or blacked out, but I hit a car in the rear.

Mr. KENNEDY. Badly?

Mr. MINISCI. Well, it wasn't too bad. Nobody was hurt or anything like that, but it was just a chain reaction, that is, a couple of cars, and it wasn't too bad.

I went back up to Philadelphia that evening, and I worked the next day, which was a Friday, and Saturday I called in to my former boss to find out what time I should start on the job, and he said, "You're not working any more. You're fired."

So I, in turn, called up the business agent, and he said, "Well, if Dennis don't want you any more, what can I do about it?" and that is all there is to it.

Then I went out and tried to get a job with Gulf Refining, and I was turned down on account of my physical condition at the time, and I was all bruised with open cuts and they wouldn't hire me.

Mr. KENNEDY. All from this beating?

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. And the trucking company that you worked for just said that they didn't want you any more?

Mr. MINISCI. That is right.

Mr. KENNEDY. Did they say it was because of this accident?

Mr. MINISCI. Well no, not at that time. He never did commit himself, but I found out later.

Mr. KENNEDY. That is the Dennis Trucking Co.?

Mr. MINISCI. That is right. Later on, through the time, I got a phone call from the insurance agent of Dennis Trucking Co., and he wanted me to make a statement of the accident and I told him I didn't think it was very nice of them to call me to make a statement after he had me fired, and he blamed it on the insurance people.

So he said, "Don't you believe that, we don't practice such a thing, and you weren't fired from us."

So I figured right away the pressure was put on the man, and he was told that as soon as something happened, to get right after me, and that was it.

Mr. KENNEDY. Were you told later on that was the reason, the pressure had been put on?

Mr. MINISCI. I was told by a witness, and he is not here, and he is not in the State right now, and he told me that the old fellow, Dennis McNicholls, was down in Florida, and met this man, and he told him that he had to get right after me because they put the pressure on him.

Mr. KENNEDY. Now, did you have any difficulty with them after that? At that time you were unable to get one job you had lined up, because you had so many bruises?

Mr. MINISCI. Well, I inquired for a job at Fox Transport System, and I spoke to Mr. Fox, and he said, "Yes, you can come to work for men Monday morning" because I worked for him previously. And I knew the job, and it was a meat line and frozen foods, and so forth.

He said, "But you will have to get a clearance with the steward." So I contacted the steward, Barney Samuels, which I have known very well for years, and he said, "You will have to wait until I find out from the hall if it is O. K. and you can go to work."

In turn, he called me back, and he said, "No, it can't be done like that. You have to be hired out of the hiring hall."

Mr. KENNEDY. That is the hiring hall that Mr. Cendrowski operates?

Mr. MINISCI. That is right.

Mr. KENNEDY. And Mr. Lusco?

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. And they have control over the jobs in Philadelphia?

Mr. MINISCI. Well, as far as I know, they are supposed to give out the jobs according to rotation, and the boy comes in and leaves his card and they are supposed to just turn them over and give everybody a fair deal there.

Mr. KENNEDY. But it is up to them as to whether a fair deal will be given; is that right?

Mr. MINISCI. That, I imagine, is up to themselves, and I don't know.

Mr. KENNEDY. But they have great control, it is a very important position?

Mr. MINISCI. Yes, it is.

Mr. KENNEDY. So you were unable to get a job?

Mr. MINISCI. So then I, in turn, called up the business agent that was in charge of Fox Transport's garage, and he told me, he said, "People around this place don't solicit their jobs. If you want a job, you have to come up and get it from here." And that is all it was.

From then on my wife got some pretty nasty phone calls, and threats and things like that, and being out of work for quite a number of months, I lost everything I had, mortgaged by home, and I was, well, I would say I was practically run out of the State.

Mr. KENNEDY. Did you finally, after not being able to get a job, did you leave Pennsylvania?

Mr. MINISCI. Yes, I had to.

Mr. KENNEDY. You had to?

Mr. MINISCI. Well, there was no use hanging around, and I couldn't find anything, and I knew if I went to the hiring hall I would get nothing.

Mr. KENNEDY. Your livelihood was taken away from you?

Mr. MINISCI. As far as I can see, it was.

Mr. KENNEDY. So you then moved to California?

Mr. MINISCI. Yes, sir.

Mr. KENNEDY. And it was because of the action of the union that you left the State?

Mr. MINISCI. That is right. My home was paid for and everything in Philadelphia, and I had no need to move.

Mr. KENNEDY. That was the reason that you moved?

Mr. MINISCI. That is right.

Mr. KENNEDY. Was there a great deal of fear of Raymond Cohen and those who were operating the union while you were in it?

Mr. MINISCI. Well, as far as I know, I guess there was. There wasn't too many that would be at liberty to speak and voice their opinion, which is their God-given right, and they are not allowed to.

I just tried to exercise my rights, and I finally ended where I am at.

Mr. KENNEDY. That is all.

The CHAIRMAN. Did they tell you why they beat you up there in the garage?

Mr. MINISCI. No, that was never really found out, if it was men from the union, but it is obvious, because it happened the next morning from the evening they were supposed to be with Bob Rifkin.

The CHAIRMAN. It happened immediately, or right after you had met at Rifkin's house?

Mr. MINISCI. That is right.

The CHAIRMAN. Did any of the others that met there get beat up?

Mr. MINISCI. No, not as I know of.

The CHAIRMAN. But at the time they beat you up, they made no statement of why they were doing it or anything else?

Mr. MINISCI. A word wasn't spoken. Not a word was spoken.

The CHAIRMAN. They gave you no threat or warning, if you didn't leave town, or something?

Mr. MINISCI. No, sir; nothing.

The CHAIRMAN. Just administered a beating and let you go?

Mr. MINISCI. That is right.

(At this point, the following members were present: Senators McClellan and Curtis.)

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. You were deprived of your rights in two particulars, your right to work—they shut that off; didn't they?

Mr. MINISCI. Yes, sir; as far as I know they did.

Senator CURTIS. And your freedom to live where you choose was interrupted?

Mr. MINISCI. Yes, sir. From those threatening phone calls and everything, my wife got very, very sick from it, and it was an awful expense on her part.

Senator CURTIS. How thorough an investigation did the police make of this assault upon you by your assailants with a pipe and a hammer?

Mr. MINISCI. I don't believe they made too big of a thorough—too much investigation. All I had was a visit from the labor squad at my home, asking questions about a man who was, I believe until this day, his murder is not solved yet, a Mr. Turner that was beaten on 15th and Spring Garden Streets, at the Inquirer Building, and they asked me questions about him, and I says, "I don't know if it was him or the same fellows or anybody."

I couldn't really identify anybody on that second.

Senator CURTIS. Was the pipe ever recovered?

Mr. MINISCI. No; they took them with them.

Senator CURTIS. And the hammer, too?

Mr. MINISCI. Yes, sir.

Senator CURTIS. Were any arrests made at all?

Mr. MINISCI. No; there wasn't.

Senator CURTIS. Was anyone picked up for questioning?

Mr. MINISCI. I don't believe so.

Senator CURTIS. This information that you had in reference to a car that was involved, did the police follow through on that information?

Mr. MINISCI. I don't believe they did.

Senator CURTIS. Was it the steward who said he was too nervous to call the police?

Mr. MINISCI. It was the dispatcher.

Senator CURTIS. The dispatcher?

Mr. MINISCI. Yes, sir.

Senator CURTIS. Did he see your assailants?

Mr. MINISCI. Yes; he did.

Senator CURTIS. Did he give that information to the police?

Mr. MINISCI. I don't believe he did. They didn't question him.

Senator CURTIS. They never questioned him?

Mr. MINISCI. No.

Senator CURTIS. Does he know how many people came up there?

Mr. MINISCI. Yes; he did. He was standing right there when they started to work on me. He ran.

Senator CURTIS. Do you believe that had the police, without delay, questioned him, that he would have given them all the information he had?

Mr. MINISCI. I imagine if he went right up there and called the police at the time that he was supposed to, they would have been apprehended right there in the lot.

Senator CURTIS. I mean if the police had questioned the dispatcher, would he have given them all the information he had, do you think?

Mr. MINISCI. I don't know, sir, if he would or not.

(At this point, Senator Ervin entered the hearing room.)

Senator CURTIS. But the police never came there and questioned him?

Mr. MINISCI. No, they didn't.

Senator CURTIS. How much time elapsed from the time this beating occurred until you got to the telephone, would you guess?

Mr. MINISCI. About 3 minutes, I guess, by the time I walked from the end of the yard, which is almost a block long, back up into the garage.

Senator CURTIS. How long did it take the police to get there?

Mr. MINISCI. They were there almost immediately. There was a car or two in the neighborhood, and they got there right after the call.

Senator CURTIS. I think that it is going to be impossible, and very unwise, for the Congress to legislate requiring the Federal Government to provide a police force for every city and community in the country. Certainly there are some local communities that need to look into what is going on. Let me ask you this: When your em-



ployer let you go, based upon the information you had, do you think that was because of fear of the union, or was it collusion with the union?

Mr. MINISCI. Well, I would say that if he did what they said, they would be a little lenient with them, a little more lenient, and in which he has been getting away with murder, so far as I can understand, up until now.

Senator CURTIS. Your employer?

Mr. MINISCI. My former employer.

Senator CURTIS. What do you mean by that?

Mr. MINISCI. Well, any time any of the boys have any kind of disagreement or gripe or anything like that, they just overlook it, and don't pay any attention to it. At one time, during the campaign of Cohen, he threatened to put Dennis out of business, and do such-and-such a thing to him, which had everybody scared to get down there, and in turn he turns out to be one of his best friends, I believe.

Senator CURTIS. What happens to an employer that must require the services of truckdrivers and other members of the Teamsters Union if he doesn't go along with the Teamster Union leadership?

Mr. MINISCI. Well, I couldn't truthfully say. I mean, I never knew of anybody in my garage being put out of the union or having their book taken away or anything.

Senator CURTIS. No. I am talking about the employer. What happens to him if he doesn't go along?

Mr. MINISCI. Well, they just draw a line and bring him right up to that line and that is all there is to it, as far as regulations are concerned.

Senator CURTIS. What do you mean by draw a line and bring him up to it?

Mr. MINISCI. They make it so tough for the man they almost put him out of business, which is possible.

Senator CURTIS. So while there are probably some businessmen that may be guilty of some collusion and some more who are guilty of not having enough backbone, it is probably also true that there are some unwilling employers that have been driven along to cooperate with the wrong element in the Teamsters Union; is that right?

Mr. MINISCI. Possibly.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. As far as you know, the only thing in the world that you did was try to protect your own rights and the rights of others with respect to the union operation, is that correct?

Mr. MINISCI. That is right, sir.

The CHAIRMAN. Are you convinced that union up there is rotten?

Mr. MINISCI. Well, as far as I can see, I imagine it is, from what I can hear.

The CHAIRMAN. The only thing you did was simply to propose the men who lost in the race for secretaryship, is that right?

Mr. MINISCI. That is right.

The CHAIRMAN. Do you belong to a union now?

Mr. MINISCI. Yes, sir.

The CHAIRMAN. Do you have to, to work?

Mr. MINISCI. Yes, sir.

That is the only thing I know how to do.

The CHAIRMAN. Is that the only reason you belong?

Mr. MINISCI. That is right.

The CHAIRMAN. Thank you. Are there any other questions?

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you very much. Call the next witness.

Mr. KENNEDY. Mr. Rifkin.

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RIFKIN. I do.

**TESTIMONY OF ROBERT RIFKIN, ACCOMPANIED BY HIS COUNSEL,  
JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ**

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. RIFKIN. Robert Rifkin, 2628 East Ann Street, Philadelphia, truckdriver.

The CHAIRMAN. You have counsel.

Counsel, identify yourself for the record.

Mr. CARROLL. Yes, sir. John Rogers Carroll, 2015 Land Title Building, Philadelphia. With me is Mr. Richard H. Markowitz, PFSF Building, Philadelphia.

The CHAIRMAN. Mr. Kennedy, proceed.

Mr. KENNEDY. Mr. Rifkin, you have been in local 107 for how long?

Mr. RIFKIN. Since 1946.

Mr. KENNEDY. Did you have a meeting in October, approximately October 16, 1956, or between October 14 and October 16, 1956, with some gentlemen who were in opposition to Mr. Raymond Cohen?

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. You had that meeting at your home?

Mr. RIFKIN. At my apartment.

Mr. KENNEDY. At your apartment. What was the purpose of that meeting?

Mr. RIFKIN. Pardon me.

(The witness conferred with his counsel.)

Mr. RIFKIN. The fellows that was there were trying to take over the jobs of fellows that are presently in local 107.

Mr. KENNEDY. What do you mean, take over their jobs?

Mr. RIFKIN. Well, they were trying to get them out of office.

Mr. KENNEDY. You were dissatisfied with the way Mr. Cohen was operating the union?

Mr. RIFKIN. In a way, I was.

Mr. KENNEDY. Did you feel that there had been misuse of union funds by Mr. Cohen?

Mr. RIFKIN. Well, sir, I never got into that.

Mr. KENNEDY. Was there a discussion about that?

Mr. RIFKIN. Yes, sir, there was.

Mr. KENNEDY. Was it felt generally, by your group, that there was a misuse of union funds by Mr. Cohen?

Mr. RIFKIN. Well, it was felt by a couple of the fellows there, I think, that was trying to bring that point across.

Mr. KENNEDY. And you joined in the discussions at that time?

Mr. RIFKIN. To some degree.



Mr. KENNEDY. You were also in opposition to the way Mr. Cohen was operating the union?

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. After these gentlemen left your apartment, did you have any visitors the following night?

Did anybody come by your apartment?

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. Would you tell the committee what happened?

Mr. RIFKIN. The doorbell rang, and I went to the door to see who was there, and there were two fellows standing in the hallway. They asked to see—it happens to be a three-story building—they asked me to open the door to let them in, they wanted to see the fellow on the top floor. I told them to ring his doorbell. The one fellow bent down and was looking at the name plates on the door, or on the bell, and he was whispering, from what I could see, out of the side of his mouth, telling the other fellow what to say. I think about 2 weeks or maybe 3 weeks before this, somebody had broken into the house, and I got a little bit scared and I thought that they were trying to rob the place, so I wouldn't open the door. I went into my apartment and I called the police.

Mr. KENNEDY. Had you recognized either one of these men?

Mr. RIFKIN. Well, I couldn't say. I did and I didn't.

Mr. KENNEDY. What do you mean you did and you didn't?

Mr. RIFKIN. Well, I see a lot of people. I drive all through the city. A lot of people I see I think I know them and really I don't. It is just people I have seen.

Mr. KENNEDY. Where did you think you knew this man?

Mr. RIFKIN. I thought I had seen him some place in the city.

Mr. KENNEDY. And you thought you recognized him as a member of the goon squad of local 107?

Mr. RIFKIN. Well, truthfully, I thought he was a truckdriver. I couldn't say about the goon squad, because I don't know that much about it.

Mr. KENNEDY. Did you know or have any discussions about an organized goon squad that operated out of local 107?

Mr. RIFKIN. No, I didn't.

Mr. KENNEDY. I would like to point out, Mr. Chairman, that this witness' attorney is also the attorney for Mr. Raymond Cohen, and it is about Mr. Cohen's activities that we expect that this witness has some information.

Did you tell the police that there was an organized goon squad operating out of 107?

Mr. CARROLL. Mr. Chairman, may I say something please? It is entirely true that I am not only counsel for Mr. Rifkin but also for Mr. Cohen.

I regret very much counsel for the committee suggested or at least implied inference from his tone of voice that there is something wrong in that connection.

Both of these people have retained me with knowledge that I represent the other.

The CHAIRMAN. You may be seated. Mr. Cohen has a proper right to employ whom he wants and so does this man. But it does have significance, and I so interpret it. I think everyone else does.

Mr. CARROLL. May I say, sir, with your permission, that this has been previously suggested, that there is some impropriety in Mr. Markowitz and my representation both of the members and the officers of this union.

The CHAIRMAN. Let the Chair say to you, you are not fooling anybody.

Mr. CARROLL. We are not trying to fool anybody.

The CHAIRMAN. You are not kidding anyone but yourself.

Mr. CARROLL. Nor are we kidding anyone, sir.

The CHAIRMAN. I said he had a legal right to employ you and so does this witness have a legal right to employ you. Let's proceed.

Mr. KENNEDY. Answer this question: Are you paying this attorney? Have you made any arrangements to pay him?

Mr. RIFKIN. No, sir, I am not.

Mr. KENNEDY. You are not. Who is paying the attorney?

Mr. RIFKIN. Local 107.

Mr. KENNEDY. Who is the secretary-treasurer of local 107?

Mr. RIFKIN. Pardon me.

(The witness conferred with his counsel.)

Mr. KENNEDY. You know that answer.

Mr. RIFKIN. Raymond Cohen.

Mr. KENNEDY. And he is the one that runs the union, does he not?

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. Let's go on. Did you tell the police when they came by that you were in fear of your life because of the opposition that you had had to Mr. Cohen?

(The witness conferred with his counsel.)

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. You did tell the police that. You were in fear of your life at that time because of your opposition to Mr. Cohen?

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. Were those two men that came by your apartment arrested as they went down the street after you called the police?

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. And did the police see one of them throw something underneath a car, an automobile?

Mr. RIFKIN. That I couldn't answer because I don't know.

Mr. KENNEDY. Do you recognize either one of these, or both of these instruments?

(The items were handed to the witness.)

The CHAIRMAN. The Chair presents to you two instruments; one of them looks like a hammer, and the other—I don't know, some kind of a drill, I reckon. Will you examine them and state whether you identify them?

Mr. RIFKIN. Sir, I seen these in the police station, a policeman showed them to me. That was the first time I had seen them.

The CHAIRMAN. Was that the policeman the one that came by there and arrested those folks?

Mr. RIFKIN. No, sir, I think it was a policeman in the station.

The CHAIRMAN. Did he tell you that those were the weapons they had thrown, that these men had thrown away?

Mr. RIFKIN. Yes.

The CHAIRMAN. Is that what he told you?

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. Weren't you in fear, when they came by, that they were coming by to beat you up? You thought that was the reason that they were there, is it not?

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. And when you saw those instruments, didn't you feel that those were the instruments that were going to be used on you?

Mr. RIFKIN. I didn't see them, sir.

Mr. KENNEDY. Well, they showed them to you at police headquarters, did they not?

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. And you understood that they were going to be used on you, did you not?

Mr. RIFKIN. That I couldn't say.

Mr. KENNEDY. Didn't you express greater fear and refuse to go home that night, because you said you would still be in fear of your life, from Mr. Cohen and his cohorts?

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. And didn't you think that these instruments were going to be used on you and if they had gotten in the house?

Mr. RIFKIN. Sir, if they was in the police station, they couldn't be used on me.

Mr. KENNEDY. But didn't they tell you at the police station that these were picked up at your home, or under the automobile?

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. And that they had seen one of the men throw those under the automobile?

Mr. RIFKIN. I don't believe they told me that, sir.

Mr. KENNEDY. Didn't you refuse to go home that night?

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. Did you expect to be taken some place else?

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. Didn't you say at that time that you would speak to your father and that he has some connection with the union, whereby he might be able to straighten out the difficulty or trouble that you had had with Mr. Cohen?

Mr. RIFKIN. I don't remember saying that, sir.

Mr. KENNEDY. Your father lives in New Jersey, does he?

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. You don't remember saying anything about your father?

Mr. RIFKIN. Not to that effect; no, sir.

Mr. KENNEDY. What did you say about having somebody straighten out the problem and difficulty?

Mr. RIFKIN. Sir, it has been quite a while ago.

Mr. KENNEDY. Do you remember saying anything about getting in touch with your father, that he had some connections with the union?

Mr. RIFKIN. If I said anything, I said that I was going to go over and stay with my father, which I did do.

Mr. KENNEDY. Did you ever press the charges against either 1 of these 2 individuals who were arrested?

Mr. RIFKIN. No, sir.

Mr. KENNEDY. They were found to be, in fact, members of local 107, were they not?

Mr. RIFKIN. I didn't—

Mr. KENNEDY. They were, in fact, members of local 107, were they not?

Mr. RIFKIN. Well, sir, that I don't know.

Mr. KENNEDY. Tell me, do you know Mr. John Zoroichak?

Mr. RIFKIN. No, sir.

Mr. KENNEDY. Do you know if he was identified as one of the men out there?

Mr. RIFKIN. The men that was out there, I couldn't even tell you their names, sir.

Mr. KENNEDY. Tell me this: Were they ever identified as members or associated with local 107?

Mr. RIFKIN. No one ever told me that fact.

Mr. KENNEDY. Did you ever have any information that they were associated with local 107?

Mr. RIFKIN. No, sir.

Mr. KENNEDY. You never did?

Mr. RIFKIN. No, sir.

Mr. KENNEDY. Didn't you identify one of them at that time as a member of a goon squad of local 107?

Mr. RIFKIN. Sir, I don't know what the goon squad is, truthfully.

Mr. KENNEDY. Didn't you say that to the police officer, that at least one of these men was a member of the goon squad of local 107?

Mr. RIFKIN. I may have, sir.

Mr. KENNEDY. Do you know Nicholas Frank?

Mr. RIFKIN. Who, sir?

Mr. KENNEDY. Nicholas Frank.

Mr. RIFKIN. No, sir.

Mr. KENNEDY. Did you go to see Mr. Cohen after that?

Mr. RIFKIN. Sir, I didn't hear that question.

Mr. KENNEDY. Did you go to see Mr. Cohen after that?

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. Did you work out with him so you would not have any more difficulty?

Mr. RIFKIN. I don't know what you mean by work out with him.

Mr. KENNEDY. Well, did you have conversations with him so that nobody would bother you again?

Mr. RIFKIN. No, sir. I went down and told Mr. Cohen what had happened, and made restitution, or whatever you would call it, I guess, and got things straightened out.

Mr. KENNEDY. You made restitution to the union? You made your apologies, is that it?

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. You apologized to Mr. Cohen?

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. Do you mean for having allowed this meeting to take place in your apartment, or what? What did you apologize to him for?

Mr. RIFKIN. For causing trouble that I shouldn't have, I guess.

Mr. KENNEDY. What was the trouble that you caused, making him send two people out to beat you up?

Mr. RIFKIN. Sir, I don't know if he sent two people out to beat me up.

Mr. KENNEDY. What was the trouble, then?

The CHAIRMAN. What do you refer to as the trouble that you caused?

Mr. RIFKIN. Sir?

The CHAIRMAN. You referred to the trouble you caused, and you apologized for it. What trouble did you cause?

(The witness conferred with his counsel.)

Mr. RIFKIN. That the other fellows were wrong.

The CHAIRMAN. That what?

Mr. RIFKIN. That the other fellows were wrong.

The CHAIRMAN. What other fellows were wrong?

Mr. RIFKIN. The fellows that were having the meeting in my apartment.

The CHAIRMAN. You didn't apologize for them being wrong, did you? You were joining with them.

Mr. RIFKIN. I apologized for myself for being in with them.

The CHAIRMAN. For being in with them?

Mr. RIFKIN. Yes, sir.

The CHAIRMAN. Did you invite them over to your house?

Mr. RIFKIN. Invite who?

The CHAIRMAN. The people that met there?

Mr. RIFKIN. I didn't invite them; no.

The CHAIRMAN. How did they happen to come?

Mr. RIFKIN. Jimmie LaVelle had them come there.

The CHAIRMAN. With your consent?

Mr. RIFKIN. Yes, sir.

The CHAIRMAN. You knew they were coming?

Mr. RIFKIN. Yes, sir.

The CHAIRMAN. And you knew the purpose of the discussion?

Mr. RIFKIN. Somewhat.

The CHAIRMAN. You knew they were going to talk about their problems in the union?

Mr. RIFKIN. Yes, sir.

The CHAIRMAN. And about the way Cohen was running it?

Mr. RIFKIN. I knew they were going to talk about the union.

The CHAIRMAN. You were unhappy about it yourself, weren't you? You were one of them that was dissatisfied with it?

Mr. RIFKIN. I couldn't say that, sir.

The CHAIRMAN. Why were you having a meeting in your home?

Mr. RIFKIN. Well, this other fraction had built me up with what I feel is a bunch of lies about local 107.

The CHAIRMAN. Whether they were lies or not, at the time you were dissatisfied. You were participating with them, were you not?

Mr. RIFKIN. Yes, sir.

The CHAIRMAN. Senator Ervin?

Senator ERVIN. In other words, you, who are presumably a free American citizen, go to Mr. Cohen and apologize to him for using your home for purposes which he disapproved of, although under our law your home is supposed to be your castle; is that right?

Mr. CARROLL. Give them a full and truthful answer.

Mr. RIFKIN. Sir, I couldn't understand what you said.

Senator ERVIN. You claim to be a free American citizen, don't you?

Mr. RIFKIN. Yes, sir.

Senator ERVIN. And under the law in this country, a man's home is supposed to be his castle.

Mr. RIFKIN. Yes, sir.



Senator ERVIN. You understand that?

Mr. RIFKIN. Yes, sir.

Senator ERVIN. And yet you go to this man that you had suspected of misuse of funds of the union, and apologize to him for making a free use of your home as a free American citizen?

Mr. RIFKIN. Sir, I don't know if he was misusing funds. It was what Mr. LaVelle had told me.

Senator ERVIN. You believed it at the time you allowed these people to hold a meeting in your home, didn't you?

Mr. RIFKIN. Yes, sir.

Senator ERVIN. And you go and apologize to Mr. Cohen for making the use of your home that you were entitled to make as a free American citizen? Is that what you are telling us?

Mr. RIFKIN. Pardon me.

(The witness conferred with his counsel.)

Senator ERVIN. That is a question of fact. You don't need any legal advice on that.

(The witness conferred with his counsel.)

Mr. RIFKIN. I apologized to Mr. Cohen because the way it was put to me. I thought afterward that things were all wrong, and that is the reason why I went and apologized to him.

Senator ERVIN. Well, you apologized to him for making a use of your home which you had a right under the law to make, didn't you?

Mr. RIFKIN. No, sir.

Senator ERVIN. Do you mean a man's home is not his castle in Philadelphia, the city of brotherly love?

(The witness conferred with his counsel.)

Mr. RIFKIN. I apologized to Mr. Cohen for the trouble that I caused, not for using my home, sir.

Senator ERVIN. What was the trouble you caused? That is what I am trying to get at.

Mr. RIFKIN. I don't know what the trouble was.

Senator ERVIN. You have brought it up yourself. You said you apologized to him for the trouble that you caused. What trouble did you cause?

(The witness conferred with his counsel.)

Senator ERVIN. He doesn't need any legal advice on that. That is a question of fact.

Mr. CARROLL. I don't think he does either, Senator. He is having difficulty, I think, only because of the form of your question.

Senator ERVIN. He is having difficulty because he is trying to suppress the information.

Mr. CARROLL. I don't think there is any evidence of that, sir.

But in any event—

Senator ERVIN. Let him give me the information. He volunteered the statement himself that he apologized to Mr. Cohen for the trouble that he has caused.

I have asked him three times what the trouble was he had caused.

Mr. RIFKIN. That we was trying to knock the officers that were at the time in local 107 out of their jobs.

Senator ERVIN. I didn't understand you.

Mr. RIFKIN. That the fellows that was in my apartment were trying to take over local 107.

Senator ERVIN. Well, weren't they members of it?



Mr. RIFKIN. Yes, sir.

Senator ERVIN. Didn't they have a right to try to take it over?

Mr. RIFKIN. Sir, I don't know if they were all members or not. That I don't know.

Senator ERVIN. Didn't they have the same right to try to take it over as an American citizen would have to try to reelect a Congressman, a Senator, a governor, or a prosecuting attorney?

Mr. RIFKIN. I imagine so, sir.

Senator ERVIN. That is all.

The CHAIRMAN. All right.

Mr. KENNEDY. How long after this occurred did you go to see Mr. Cohen?

Mr. RIFKIN. I think it was the next week, sir.

Mr. KENNEDY. Who told you that you had been all wrong?

Mr. RIFKIN. Well, nobody told me that I was all wrong. After I sat down and thought about it, and thought things over somewhat, I reckon, I come to the conclusion that I was all wrong.

Mr. KENNEDY. Could it be that two men arrived with a long steel stick and a hammer at your home the night after the meeting? Did that affect your thinking about being all wrong?

Mr. RIFKIN. Sir, I didn't see them things until I was in the police station.

Mr. KENNEDY. Well, tell me that, if that affected—these two visitors to your home—whether that affected your thinking as to whether you had been all wrong or not. When you sat down and thought about it, did you think about that?

Mr. RIFKIN. Pardon me.

(The witness conferred with his counsel.)

Mr. KENNEDY. Just answer whether you thought about that when you were thinking about whether you were all wrong.

Mr. RIFKIN. Well, I guess I thought about it.

The CHAIRMAN. Are you still thinking about it?

Mr. RIFKIN. No, sir.

The CHAIRMAN. Are you still scared?

Mr. RIFKIN. No, sir.

The CHAIRMAN. You are not scared now?

Mr. RIFKIN. No, sir.

The CHAIRMAN. You have made your peace with the bosses, have you?

Mr. RIFKIN. Well, I wouldn't say that, sir.

The CHAIRMAN. You were afraid then. That is why you went to them, isn't it?

Mr. RIFKIN. Yes, sir.

The CHAIRMAN. You are still afraid, aren't you?

Mr. RIFKIN. No, sir.

The CHAIRMAN. You manifest every evidence of it as you testify.

Mr. KENNEDY. I have just one more question. Did Mr. Cohen accept your apology?

Mr. RIFKIN. Yes, sir.

Mr. KENNEDY. Did you thank him for that? Did you appreciate it?

Mr. RIFKIN. I didn't thank Mr. Cohen; no, sir.

Mr. KENNEDY. But he accepted it?

Mr. RIFKIN. Yes, sir.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. You say about a week transpired before you went to Mr. Cohen?

Mr. RIFKIN. I think that is about what it was, sir.

Senator CURTIS. Did you go to him before or after the election?

Mr. RIFKIN. Before or after?

Senator CURTIS. The election. Didn't this take place prior to an election within the union?

Mr. RIFKIN. No, sir.

Senator CURTIS. It did not?

Mr. RIFKIN. No, sir.

Senator CURTIS. Did you talk with anybody else connected with the union before you went to Mr. Cohen?

Mr. RIFKIN. No, sir. Not to my knowledge.

Senator CURTIS. Did you discuss it with any friend of yours at all? (The witness conferred with his counsel.)

Mr. RIFKIN. With my father, sir.

Senator CURTIS. Did your father suggest you go to Mr. Cohen?

Mr. RIFKIN. Yes, sir.

Senator CURTIS. What did he give as his reason?

Mr. RIFKIN. He didn't have to give me no reason, sir.

He just says "Go and talk to the man and see if you can get yourself straightened out."

Senator CURTIS. You went over and spent the remainder of the night with your father?

Mr. RIFKIN. Yes, sir.

Senator CURTIS. How long did you stay there?

Mr. RIFKIN. My father went to Florida about 3 or 4 days after that night, and I think I stayed over there until he came back, until after he came back from Florida, and in the meantime I was getting married and I moved out and moved into another apartment.

Senator CURTIS. Were you working during this time?

Mr. RIFKIN. Yes, sir.

Senator CURTIS. That is all.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. What business is your father in?

Mr. RIFKIN. He is president of a local union in New Jersey.

Mr. KENNEDY. What kind?

Mr. RIFKIN. Waiters and waitresses.

Mr. KENNEDY. Had he known Mr. Cohen?

Mr. RIFKIN. Had he known Mr. Cohen?

Mr. KENNEDY. Yes.

Mr. RIFKIN. I believe so, sir.

Mr. KENNEDY. That is all.

The CHAIRMAN. All right. You may stand aside. Call the next witness.

Mr. KENNEDY. Detective Cordivari; David Cordivari.

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CORDIVARI. I do.

## TESTIMONY OF DAVID CORDIVARI

The CHAIRMAN. State your name, your place of residence, and your profession or occupation.

Mr. CORDIVARI. My name is David Cordivari. I reside in Philadelphia, Pa. I am presently a member of the Philadelphia Police Department, a detective in that department.

The CHAIRMAN. How long have you been in the police department?

Mr. CORDIVARI. I have been in the police department for 7 years. I have been a detective for 2 of those years.

The CHAIRMAN. Do you waive counsel?

Mr. CORDIVARI. Yes, sir.

The CHAIRMAN. All right.

Mr. KENNEDY. Detective, you investigated the assault on Vincent Minisci in October of 1956, did you?

Mr. CORDIVARI. I don't truthfully recall that, sir.

Mr. KENNEDY. You wrote a report on it.

Mr. CORDIVARI. Well, then, I did.

Mr. KENNEDY. And also you looked into and investigated the complaint that Mr. Rifkin made.

Mr. CORDIVARI. I did.

Mr. KENNEDY. Will you examine these two memoranda?

The CHAIRMAN. I hand you first, one, I believe, made on Mr. Rifkin. I ask you to examine that and state if you identify it as a photostatic copy of the report.

(The document was handed to the witness.)

Mr. CORDIVARI. Yes, sir; this is my report.

The CHAIRMAN. This copy will be made exhibit No. 2 for reference. I also hand you what purports to be a copy of another report that you submitted—who is that one on that you have there?

Mr. CORDIVARI. This is on Mr. Minisci, sir.

The CHAIRMAN. I am sorry. Let the record be corrected to show that exhibit No. 2 is the report he made on Mr. Minisci.

(The document referred to was marked "Exhibit No. 2" for reference and may be found in the files of the select committee.)

The CHAIRMAN. Now I hand you a photostatic copy of what purports to be your report on Mr. Rifkin. Will you examine that and state whether you identify it?

(The document was handed witness.)

Mr. CORDIVARI. Yes, sir; this is my report.

The CHAIRMAN. Thank you very much. That may be made exhibit No. 2A for reference.

(The document referred to was marked "Exhibit No. 2A" for reference and may be found in the files of the Select Labor Committee.)

The CHAIRMAN. All right, Mr. Kennedy.

Mr. KENNEDY. Mr. Chairman, I might say that the questions I have asked the previous witness were predicated on this report. I don't think it is necessary to read the whole report, but I have a few questions that I would like to ask.

First, can you identify these two instruments as being the instruments that were found and turned over outside the home of Mr. Rifkin?

Mr. CORDIVARI. Yes, sir; I have seen these instruments before.

The CHAIRMAN. One of them is a hammer. What do you call the other one?

Mr. CORDIVARI. I would call it a punch bar, sir.

The CHAIRMAN. A what?

Mr. CORDIVARI. It could be used as a punch bar. It could be used for—

The CHAIRMAN. They may be made exhibit 3 for reference.

(The items referred to were marked "Exhibit No. 3" for reference and may be found in the files of the select committee.)

The CHAIRMAN. I don't believe we can incorporate them in the record.

Mr. KENNEDY. And is the other a ballpoint?

Mr. CORDIVARI. This is a ballpeen hammer, sir.

Mr. KENNEDY. A ballpeen hammer?

Mr. CORDIVARI. Yes, sir.

Mr. KENNEDY. And the other is a punch?

Mr. CORDIVARI. A punch bar.

Mr. KENNEDY. And did the police officers that arrived prior to the time that you got there see one of the two individuals throw the ballpeen hammer under a car?

Mr. CORDIVARI. I don't believe so, sir.

Mr. KENNEDY. I will read from your report. It says:

The police officers stated as they approached, and the defendants began to walk away, they observed Zoroichak—

who is one of the defendants; is that right?

Mr. CORDIVARI. Yes, sir.

Mr. KENNEDY (reading).

Throw a ballpeen hammer under a car parked at the curb.

Mr. CORDIVARI. That is right.

Mr. KENNEDY (continues reading).

Also found on the complainant's porch was an improvised punch bar, about 2 feet long, pointed at one end, and taped with a rubber crutch butt on the other end to muffle any hammering sounds. Both defendants denied any knowledge of either of these tools.

Who were the two people that were picked up?

Mr. CORDIVARI. One was John Zoroichak and the other was John Wendell, and I believe his alias was Nicholas Frank.

Mr. KENNEDY. Had they been identified as representatives of Local 107 of the Teamsters?

Mr. CORDIVARI. Yes, sir, they were members of 107.

Mr. KENNEDY. Had either one of them been involved in any violence prior to that time?

Mr. CORDIVARI. We had arrested John Zoroichak on a previous occasion as a result of another labor incident.

Mr. KENNEDY. Was that in connection with some violence in the Horn & Hardart strike?

Mr. CORDIVARI. I believe it was, sir.

Mr. KENNEDY. It goes on, the last paragraph and says:

The complainant stated upon further questioning that he did not desire to prosecute.

Do you know why he said he would not prosecute?

Mr. CORDIVARI. As I recall, sir, he stated that he didn't want any trouble. He was only concerned with his own safety and well-being, and he wanted to forget the whole incident.

Mr. KENNEDY. Was he frightened at that time?

Mr. CORDIVARI. I would say he was, sir.

Mr. KENNEDY (reading). Any desired arrest in the matter was left to the discretion of the district. The men were finally released in the custody of one Benjamin Lapensohn, an employee and representative of local 107 with a verbal commitment that the complainant would not be arrested any further.

So Benjamin Lapensohn of local 107 came down and secured the release of these two individuals; is that right?

Mr. CORDIVARI. Actually, he didn't secure his release, sir. There was no prosecution, so the police had nothing to hold them on.

Mr. KENNEDY. It says the men were finally released in custody.

Mr. CORDIVARI. In his custody because he was present and acted as a representative of local 107.

Mr. KENNEDY. Had you known Benjamin Lapensohn before?

Mr. CORDIVARI. I knew of him.

Mr. KENNEDY. What was his position in 107?

Mr. CORDIVARI. I would describe it as a trouble shooter, more or less, in the event any members of local 107 were taken into custody, and in the event they were arrested and booked, he would secure a copy of the charge to effect their release, or at the hearing the next morning, if they were held in bail for court, he would arrange for bail to be posted.

Mr. KENNEDY. Was he an attorney?

Mr. CORDIVARI. To my knowledge, no, sir.

Mr. KENNEDY. So he would just go around when any of the members of local 107 got into difficulty, and Mr. Lapensohn would come down and try to straighten it out?

Mr. CORDIVARI. That is right, sir, to my knowledge.

Mr. KENNEDY. Was there any question in the mind of Mr. Rifkin that the reason these two individuals came by was in connection with his opposition to Mr. Cohen?

Mr. CORDIVARI. I would say there was no question, sir, for this reason. If it wasn't the fact that this incident evolved from a labor dispute, I would never have been called in the first place. We only handle labor disputes.

Mr. KENNEDY. And it was explained to you at that time about this meeting that they had at the apartment and the meeting was in connection with opposition to Mr. Cohen, is that right?

Mr. CORDIVARI. That is right, sir.

Mr. KENNEDY. So these instruments that were brought at that time would appear to have been for the purpose of administering a beating to Mr. Rifkin rather than for any other purpose, is that correct?

Mr. CORDIVARI. It would be a possibility, sir.

Mr. KENNEDY. Was that the conclusion that you reached?

Mr. CORDIVARI. That would be my opinion at that time.

Mr. KENNEDY. These two reports in connection with the affair, Mr. Chairman, speak for themselves.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. What is your assignment with the police department?



Mr. CORDIVARI. Presently I am a detective, sir. At that time I was a policeman, detailed in plainclothes as a member of the labor squad in Philadelphia.

Senator CURTIS. What is the labor squad?

Mr. CORDIVARI. Well, it consists of a captain, a lieutenant, and at present 6 men; I believe at that time we had 4. Their sole purpose is to more or less supervise strike locations in the sense that they see the pickets behave themselves, and they also protect the pickets against the employer, if he intends violence in any way. We investigate any incidents which were connected with labor disputes or strikes.

Senator CURTIS. How long were you on the labor squad?

Mr. CORDIVARI. I would say approximately 2 years, sir.

Senator CURTIS. Were there many acts of violence reported to you?

Mr. CORDIVARI. I would say we got our share, yes.

Senator CURTIS. What would they consist of?

Mr. CORDIVARI. Well, minor beatings, or beltings, damage to property or trucks. Usually that was one of the—both physical violence and damage to property.

Senator CURTIS. In what situations would there be beatings?

Mr. CORDIVARI. Well, normally, sir, it was hard to tell. We had great difficulty many times because the victims refused to cooperate with us. Whether it was through fear or coercion, or otherwise, I cannot say. But we were hampered very much by their refusal, or whether they were telling the truth that they didn't know who was responsible for these incidents.

Senator CURTIS. The victims, would they be workers that were out of line with the union leadership?

Mr. CORDIVARI. I would say so, yes, sir, as I recall.

Senator CURTIS. More of that than there was of some innocent bystander getting beaten up?

Mr. CORDIVARI. Yes. That is right.

Senator CURTIS. Did you have any cases of violence committed by employers?

Mr. CORDIVARI. Nothing that I would call severe. There was always pushing and shoving. Maybe somebody took a punch at somebody else, an employer took a punch at somebody else. But there was actually no serious physical violence as I can recall.

Senator CURTIS. Did any policeman ever get pushed around in a picket line or otherwise?

Mr. CORDIVARI. We get pushed around once in awhile, not from 107 particularly, but from any local that we happen to be having trouble with, or were having trouble.

Senator CURTIS. That happens every once in awhile?

Mr. CORDIVARI. Oh, yes.

Senator CURTIS. Well now, we seem to have a double standard in this country. I am not lecturing you on it but it is one of the problems the police have.

Mr. CORDIVARI. Yes; it is.

Senator CURTIS. Ordinary citizens are not only supposed to refrain from roughing-up a policeman, but they are supposed to obey him, aren't they?

Mr. CORDIVARI. Yes, sir.

Senator CURTIS. But that is just winked at in connection with union activities. If one of our youths in our cities fights back at a police-



man, we call it resisting an officer, and he is in great danger of being branded as a juvenile delinquent and injured for life. But the public and judges pass over union violence and just say, "Well, that was a labor brawl."

Do you find it more difficult to get cases that stand up in court in these labor cases than the general type of case that would come on?

Mr. CORDIVARI. I would say so, yes, sir.

Senator CURTIS. And witnesses are very reluctant to testify?

Mr. CORDIVARI. If we can get them as far as a court.

Senator CURTIS. That is what I mean, they do not want to go to trial where they will have to testify.

Mr. CORDIVARI. That is right, sir.

Senator CURTIS. Did you have anything to do with the investigation of the assault on Minisci?

Mr. CORDIVARI. Yes, sir.

Senator CURTIS. The last one that he testified to, concerning being beaten with a hammer and a pipe?

Mr. CORDIVARI. Yes, sir; I believe that is the report.

Senator CURTIS. Were you called to the scene?

Mr. CORDIVARI. No, no, sir; I wasn't called to the scene.

Senator CURTIS. Do you know who was called to the scene?

Mr. CORDIVARI. Well, according to the procedure, the uniformed officers went to the scene. We visited the scene the following day, as I recall.

Senator CURTIS. By being called to the scene, I mean in response to his call?

Mr. CORDIVARI. No.

Senator CURTIS. Do you know who went to the scene?

Mr. CORDIVARI. I couldn't identify the officers, sir, but uniformed officers did go there immediately, upon being called.

Senator CURTIS. Did they make a written report?

Mr. CORDIVARI. They make a preliminary report, preliminary police report, which is one of our standard police forms.

Senator CURTIS. Do you know whether they followed up the lead that Minisci had in reference to identifying the car?

Mr. CORDIVARI. They turned it over to us, sir, and they make a preliminary report and turn this information over to the investigators.

Senator CURTIS. What did you find in reference to that lead on that car?

Mr. CORDIVARI. Sir, as I recall, I didn't read my report, but as I recall we got no information to that effect. As I recall, the victim was questioned about whether or not Zoroichak and Wendell were mixed up in this incident, and he stated he could not identify anybody that was there.

Senator CURTIS. It is entirely possible that this instrument that he described as a pipe, could be an instrument like this piece of steel here?

Mr. CORDIVARI. Actually, if I am correct, I think this incident with Minisci occurred after Zoroichak and Wendell had been taken into custody, and those particular instruments were out of their possession. I may be wrong, but I think that is the way it might have happened.

Senator CURTIS. Do you have any particular instructions or did you receive any particular instructions for your duties on the labor squad

that were different from the instructions you would get from your superiors on other types of work?

Mr. CORDIVARI. No, sir, it was purely—we would pursue our normal police function, but don't become involved in any way in the dispute itself, between management and the union, and our sole purpose was to maintain law and order and to prevent violence if possible, and investigate any acts of violence which may have occurred.

Senator CURTIS. That is all.

The CHAIRMAN. Did you interrogate the dispatcher?

Mr. CORDIVARI. I don't recall.

The CHAIRMAN. Who was present? The witness has testified the dispatcher was present and was bound to have seen the people who assaulted him. Did you ever question him?

Mr. CORDIVARI. I don't recall, sir.

The CHAIRMAN. What does his report show about that?

Mr. KENNEDY. I don't believe it shows.

The CHAIRMAN. You did not report that you had?

Mr. CORDIVARI. Possibly because we weren't told that he was present when it occurred, sir.

The CHAIRMAN. It would seem to me that you would inquire about it.

Mr. CORDIVARI. We did. We tried to make a thorough investigation into all of those incidents, sir, and as I say, we had to proceed with great difficulty. We didn't have very much cooperation.

The CHAIRMAN. Well, do you say that the victim didn't cooperate?

Mr. CORDIVARI. I would say that; yes, sir.

The CHAIRMAN. Was that Minisci? Didn't he cooperate with you?

Mr. CORDIVARI. He answered what questions we asked him, but as far as cooperating in identifying his assailants.

The CHAIRMAN. Maybe he couldn't?

Mr. CORDIVARI. That is what I say, sir.

The CHAIRMAN. Maybe he couldn't. But the other man there didn't get beat up, and he obviously saw it?

Mr. CORDIVARI. Well sir, you mean the dispatcher?

The CHAIRMAN. Yes.

Mr. CORDIVARI. Well, as I say, he wasn't questioned and I can tell you why, but he wasn't.

The CHAIRMAN. You don't recall why he wasn't questioned?

Mr. CORDIVARI. I don't recall, no sir.

The CHAIRMAN. It would seem to me like that would be the next man you would question, after questioning the victim, the other man who was present, if you knew he was present.

Mr. CORDIVARI. That is what I say. If we knew he was present, I feel sure he would have been interrogated.

The CHAIRMAN. Are there any other questions?

All right, thank you, sir.

Call the next one.

Mr. KENNEDY. Mr. William Roberts.

The CHAIRMAN. I forgot to ask you just one question. Counsel for these other witnesses has sent up here a question, and I am going to ask it, and I am under no obligation to do it, but one of the witnesses testified, Mr. Rifkin testified something about he was about to get married again at the time.

Did he say anything to you about that, when you interrogated him? Mr. CORDIVARI. He may have sir, but I don't think that I included it in my report. I don't recall.

The CHAIRMAN. Did he say anything about getting a divorce?

Mr. CORDIVARI. No, sir; I don't remember anything.

The CHAIRMAN. Did he tell you that was the reason why he does not want to prosecute, and he had a divorce case coming up, and he didn't want to get mixed up in anything else?

Mr. CORDIVARI. I truthfully don't recall, sir, and I don't recall.

The CHAIRMAN. All right, thank you very much. The questions have been asked.

Will you come around please?

Do you solemnly swear that the evidence given before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ROBERTS. I do.

### TESTIMONY OF WILLIAM G. ROBERTS

The CHAIRMAN. State your name and your place of residence and your business or occupation.

Mr. ROBERTS. William G. Roberts, 3446 Friendship Street, Philadelphia, Pa., truckdriver.

The CHAIRMAN. Do you waive counsel?

Mr. ROBERTS. I do.

Mr. KENNEDY. Mr. Roberts, you have been in local 107 for how long?

Mr. ROBERTS. Since 1934.

Mr. KENNEDY. And were you supporting Mr. Crumbock during the campaign?

Mr. ROBERTS. I was.

Mr. KENNEDY. When he was attempting to be reelected?

Mr. ROBERTS. That is right.

Mr. KENNEDY. And you were in opposition to Mr. Cohen; is that right?

Mr. ROBERTS. That is right.

Mr. KENNEDY. Were you ever beaten during the period of that campaign?

Mr. ROBERTS. Well, before I was beaten up.

Mr. KENNEDY. When was that?

Mr. ROBERTS. It was on February 23.

Mr. KENNEDY. Could you tell us what happened?

Mr. ROBERTS. I was in the union on company business and I was the steward in the garage where I worked, and we had some trouble with a man, and I went down there on a grievance, and I was inside. After the trouble was straightened out I came out, and when I was coming out the door I was hit.

Mr. KENNEDY. What were the circumstances of your being hit?

Mr. ROBERTS. I walked out the door and this John Myhosuk, he said, "You rat," and well I can't say it here, but I turned around to face him, and I got hit with something, or with his fist, but that was the last I remember, and I woke up inside the union hall.

Mr. KENNEDY. Did you go to a hospital afterward?

Mr. ROBERTS. Yes, sir.

Mr. KENNEDY. What did they tell you about it?

Mr. ROBERTS. They X-rayed my face and head and they found nothing was broken, and they dressed the cuts and they sent me home. When I got home my face started to blacken up and that night my wife was in the hospital at the time having an operation, and I had to get myself together enough to go visit her.

When I walked into the hospital I had a hat on, and I never wear a hat, and she hollered, "Oh, my God, what happened to you?"

So I told her, and I went home after the visit and I went to bed, and the following day I felt lousy and my face was all black and all and so they admitted me to the University of Pennsylvania Hospital, and I was in there until Saturday, 4 days.

Mr. KENNEDY. You suffered headaches?

Mr. ROBERTS. Headaches, and they took all kind of tests and everything.

Mr. KENNEDY. Did you file a complaint against Myhasuk?

Mr. ROBERTS. I had a warrant sworn out.

Mr. KENNEDY. Do you know if anybody else hit you or beat you when you were down?

Mr. ROBERTS. I don't.

Mr. KENNEDY. You don't know how many times you were hit?

Mr. ROBERTS. I don't know.

Mr. KENNEDY. You filed a complaint?

Mr. ROBERTS. I did, and I swore a warrant out.

Mr. KENNEDY. Did you process it?

Mr. ROBERTS. Well, it went as far as the grand jury, and it was going into the courts, and my wife she was afraid, and she said, "Don't bother, and don't do this, and don't do that," and so we didn't go any further. We just let it drop.

Mr. KENNEDY. She was afraid that some harm might befall you or the family?

Mr. ROBERTS. Either me or the children.

Mr. KENNEDY. Did you second the nomination of Crumbock?

Mr. ROBERTS. That is right.

Mr. KENNEDY. Did you feel that the beating that was administered to you arose out of that?

Mr. ROBERTS. The beating happened before that.

Mr. KENNEDY. Had you been known as a supporter of Crumbock?

Mr. ROBERTS. I suppose so; but I never did any electioneering, or I never spoke to anybody.

Mr. KENNEDY. Was Myhasuk a supporter of Cohen?

Mr. ROBERTS. Who is that?

Mr. KENNEDY. Myhasuk.

Mr. ROBERTS. I suppose so.

Mr. KENNEDY. Had you known he was a supporter of Cohen?

Mr. ROBERTS. Well, not first handed, but I just surmised he was.

Mr. KENNEDY. That is all, Mr. Chairman.

Senator ERVIN. Do you have any questions, Senator Curtis?

Senator CURTIS. When you filed your complaint, did you file that with the prosecuting attorney or did you consult some other attorney?

Mr. ROBERTS. Mr. Gray was representing the case, and it went before a Magistrate Biffle, in Philadelphia.

Senator CURTIS. Who is Mr. Gray?

Mr. ROBERTS. He was the union attorney at the time, representing Eddy Crumbock.

Senator CURTIS. Crumbock was in office?

Mr. ROBERTS. Well, the union was under trusteeship at the time, and Thomas Flynn had charge of the union.

Senator CURTIS. You say he was a union attorney, and was he paid for by the union?

Mr. ROBERTS. He was; yes, sir.

Senator CURTIS. But he represented the Crumbock faction?

Mr. ROBERTS. That is right.

Senator CURTIS. Did he advise you to drop the case, too?

Mr. ROBERTS. No; I never even consulted him. After the election was in May, I never bothered with anything, and this paper came, that was in July sometime for the court proceedings, and we never even bothered with it, and we didn't do anything with it.

Senator CURTIS. Have you had any trouble since then?

Mr. ROBERTS. Never.

Senator CURTIS. But when your case was proceeding toward prosecution, did the police conduct an investigation?

Mr. ROBERTS. I don't recall that the police was in on it at all, only that the warrant was served for his arrest, and they picked him up and the case came before the magistrate.

Senator CURTIS. And the magistrate held him for the grand jury?

Mr. ROBERTS. That is right.

Senator CURTIS. Did it end with the grand jury?

Mr. ROBERTS. No; it was going to court.

Senator CURTIS. For the trial?

Mr. ROBERTS. For the trial; yes.

Senator CURTIS. Did you notify anybody that you were dropping it or did you just not show up?

Mr. ROBERTS. I just didn't show up, that was all.

Senator CURTIS. You never had any trouble since?

Mr. ROBERTS. Never.

Senator CURTIS. You are still working at the same place?

Mr. ROBERTS. Yes, sir.

Senator CURTIS. You still belong to the union?

Mr. ROBERTS. Yes, sir.

Senator CURTIS. You have been attending union meetings?

Mr. ROBERTS. No, I don't go near the union.

Senator CURTIS. Have you been back to a union meeting since then?

Mr. ROBERTS. No.

Senator CURTIS. How much does it cost you to belong to this union you never attend?

Mr. ROBERTS. I pay \$5 a month.

Senator CURTIS. Is that the total amount, or are there any assessments?

Mr. ROBERTS. That is the regular dues, \$5 a month.

Senator CURTIS. Could you continue your work as a truckdriver, if you did not pay that?

Mr. ROBERTS. I guess not; I have to belong to the union.

Senator CURTIS. You have to?

Mr. ROBERTS. Yes.



Senator CURTIS. Is that union still in the hands of the Cohen group?

Mr. ROBERTS. Yes, sir.

Senator CURTIS. Is that man who beat you up still in the union?

Mr. ROBERTS. I don't know.

Senator CURTIS. You haven't seen him since?

Mr. ROBERTS. I haven't seen him.

Senator CURTIS. Did he hold any office in the union?

Mr. ROBERTS. No, not that I know of.

Senator CURTIS. Was he a truckdriver?

Mr. ROBERTS. Yes, he was a truckdriver.

Senator CURTIS. How big a fellow is he?

Mr. ROBERTS. He is much bigger than me.

Mr. KENNEDY. Can you identify him?

Mr. ROBERTS. Yes, I can identify him.

Senator CURTIS. I would like to see him.

Mr. ROBERTS. He is in the back there.

The CHAIRMAN. Have him come around, please. What is his name?

Senator CURTIS. I want to ask Mr. Roberts one further question.

The CHAIRMAN. Let this one be sworn.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MYHASUK. I do.

The CHAIRMAN. Be seated.

Senator, do you want to ask Mr. Roberts another question?

Senator CURTIS. You can stay right where you are, Mr. Roberts.

Is it your opinion that you were hit with anything other than someone's fist?

Mr. ROBERTS. I don't know.

### TESTIMONY OF JOHN MYHASUK, ACCOMPANIED BY HIS COUNSEL, JOHN ROGERS CARROLL

Senator CURTIS. Now, how do you pronounce your name?

Mr. MYHASUK. Myhasuk.

Senator CURTIS. John Myhasuk?

Mr. MYHASUK. That is right.

Senator CURTIS. What is your address?

Mr. MYHASUK. 1209 South Third Street, Las Vegas, Nev.

Senator CURTIS. Did you live in Philadelphia in 1954?

Mr. MYHASUK. I did.

Senator CURTIS. Were you at a local union hall on the night of February 23, 1954?

(Witness conferred with his counsel.)

The CHAIRMAN. Let the record show that this witness has the same attorney who has appeared for the others, please.

Mr. CARROLL. It is not exactly the same. I represent this witness and not Mr. Markowitz.

The CHAIRMAN. All right, one of the attorneys, Mr. Carroll, appears here.

Senator CURTIS. Were you at the union hall of local 107 on the night of February 23, 1954?

Mr. MYHASUK. Pardon me, sir, what is that?

Mr. CARROLL. The witness is hard of hearing.

Senator CURTIS. Were you at the union hall of local 107 in Philadelphia on the night of February 23, 1954?

Mr. MYHASUK. Yes.

Senator CURTIS. Did you see William G. Roberts there, the man behind you?

(Witness conferred with his counsel.)

Mr. MYHASUK. I refuse to answer the question on the ground that I am not required to give any testimony against myself under the fifth amendment.

Senator CURTIS. Did you hit Mr. Roberts?

Mr. MYHASUK. I refuse to answer.

Senator CURTIS. Did you say anything?

The CHAIRMAN. You will have to go a little further than just refusing to answer.

Mr. MYHASUK. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Senator CURTIS. Did you talk to Mr. Roberts on that occasion?

Mr. MYHASUK. The same answer.

Senator CURTIS. For whom were you employed on or about February 23, 1954?

(Witness conferred with his counsel.)

Mr. MYHASUK. I worked for Pyramid Trucking Co.

Senator CURTIS. Was all of your income from this trucking company?

(Witness conferred with his counsel.)

Mr. MYHASUK. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Senator CURTIS. Were you paid any sums by local 107?

Mr. MYHASUK. I refuse to answer the question on the same grounds.

Senator CURTIS. Did you receive any money from Mr. Cohen, either from him personally or anyone on his behalf?

Mr. MYHASUK. The same answer, I refuse to answer.

Senator CURTIS. Did you ever beat Mr. Williams G. Roberts up?

(Witness conferred with his counsel.)

Mr. MYHASUK. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Can you talk a little louder? You may be hard of hearing, but I don't see anything wrong with your voice.

Mr. CARROLL. He is quite nervous, Senator.

The CHAIRMAN. Well I think that is characteristic of some of these thugs.

Senator CURTIS. Were you arrested and charged with assaulting Mr. Roberts?

(Witness conferred with his counsel.)

Mr. MYHASUK. Yes, sir.

Senator CURTIS. Did you appear before the grand jury?

Mr. MYHASUK. No, sir.

Senator CURTIS. Were you questioned by any police?

Mr. MYHASUK. I was before the magistrate.

Senator CURTIS. Who represented you there?

Mr. CARROLL. I did, sir.

Senator CURTIS. And was your attorney and your defense provided by local 107?

Mr. MYHASUK. At that time?

Senator CURTIS. At that time.

Mr. MYHASUK. Yes, sir.

Senator CURTIS. By part of Mr. Roberts' dues, is that right?

Mr. CARROLL. May I answer that for you, Senator, because I happened to know the facts and I don't think this witness does.

Senator CURTIS. All right.

Mr. CARROLL. At that time the firm with which I was associated was representing Mr. Cohen and that group that was backing Mr. Cohen asked us to represent Mr. Myhasuk. I did appear with him before the magistrate at the same time that Mr. Gray, who was counsel for local 107, represented Mr. Roberts.

Our fee was not at that time being paid by the union. Mr. Gray's fee was, so far as I know. I trust that answers your question.

Senator CURTIS. Was that the first time that you had ever been arrested?

(Witness conferred with his counsel.)

Mr. MYHASUK. Yes, sir, I have been arrested before.

Senator CURTIS. You had been arrested before that?

Mr. MYHASUK. Yes, sir.

Senator CURTIS. You have been arrested since then?

Mr. MYHASUK. No, sir.

Senator CURTIS. How many times before were you arrested?

Mr. MYHASUK. Once.

Senator CURTIS. Were you convicted?

Mr. MYHASUK. Yes, sir.

Senator CURTIS. What for?

Mr. MYHASUK. Manslaughter.

Senator CURTIS. Manslaughter?

Mr. MYHASUK. Yes, sir.

Senator CURTIS. Did you receive a sentence for that?

Mr. MYHASUK. Yes, sir.

Senator CURTIS. How long did you serve?

Mr. MYHASUK. About 13 months and some days.

Senator CURTIS. Where did that offense take place?

Mr. MYHASUK. In Jersey.

Senator CURTIS. In New Jersey?

Mr. MYHASUK. Yes, sir.

Senator CURTIS. What place in New Jersey?

Mr. MYHASUK. I spent a little time in Trenton, Trenton, N. J.

Senator CURTIS. But where did the act take place for which you were prosecuted?

Mr. MYHASUK. Atlantic County.

Senator CURTIS. Was that in connection with a labor dispute?

Mr. MYHASUK. No, sir.

Senator CURTIS. Was it in connection with union matters?

Mr. MYHASUK. No, sir.

Senator CURTIS. Was it in connection with a physical assault?

Mr. MYHASUK. It was a fight.

Senator CURTIS. A fight?

Mr. MYHASUK. Yes, sir.

Senator CURTIS. The man died?

Mr. MYHASUK. Yes, sir. He died 10 days later.

(At this point, the following members were present: Senators McClellan, Ervin, and Curtis.)

Senator CURTIS. How long did you serve?

Mr. MYHASUK. I served 13 months and some days. I don't know exactly how many days.

Senator CURTIS. About when was that? What year?

Mr. MYHASUK. That was 1950 or 1951.

Senator CURTIS. Did you know Mr. Cohen at that time?

Mr. MYHASUK. Yes, sir.

Senator CURTIS. Were you working for—

Mr. MYHASUK. I was a member there.

Senator CURTIS. You were a member there?

Mr. MYHASUK. Yes, sir.

Senator CURTIS. Does 107 membership extend over into New Jersey?

Mr. MYHASUK. No, sir. Not that I know of.

Senator CURTIS. Have you ever worked for local 107?

(The witness conferred with his counsel.)

Mr. MYHASUK. I refuse to answer the question on the ground that I am not required to give any evidence against myself under the fifth amendment.

Senator CURTIS. Did you ever receive any money from 107 or from Mr. Cohen?

Mr. MYHASUK. The same thing. I refuse.

Senator CURTIS. Did Mr. Cohen visit you in the penitentiary?

Mr. MYHASUK. No, sir.

Senator CURTIS. He did not?

Mr. MYHASUK. No, sir.

Senator CURTIS. At no time?

Mr. MYHASUK. No.

Senator CURTIS. You are pretty sure about it?

Mr. MYHASUK. Yes, sir.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. Did you beat up Mr. Roberts before or after you served this sentence?

Mr. MYHASUK. I refuse to answer the question on the ground that I am not required to give any advice against myself under the fifth amendment.

The CHAIRMAN. Are you a paid thug and hoodlum going around beating up people for this union?

(The witness conferred with his counsel.)

Mr. MYHASUK. I am not even a member of the union.

The CHAIRMAN. I didn't ask you if you were a member of the union. You can be hired to beat people up without being a member, can't you?

Mr. MYHASUK. The answer is still no. I refuse to answer the question.

The CHAIRMAN. You don't want to admit it? You are ashamed of it?

Mr. MYHASUK. I refuse to answer.

The CHAIRMAN. You refuse to admit whether you are ashamed of it or not?

Mr. MYHASUK. I refuse to answer the question.

The CHAIRMAN. I am ordering and directing you to answer the question.

Mr. MYHASUK. I refuse to answer the question on the ground that I am not required to give advice against myself under the fifth amendment.

The CHAIRMAN. Are you proud of the fact that you go around beating people up?

Mr. MYHASUK. I refuse to answer the question on the ground.

Mr. KENNEDY. Mr. Chairman, I might point out—do you know Mr. Peter Luscko?

Mr. MYHASUK. Yes.

Mr. KENNEDY. Was he associated with you in the union?

(The witness conferred with his counsel.)

Mr. CARROLL. Will you excuse us a moment, please?

(The witness conferred with his counsel.)

Mr. MYHASUK. I refuse that answer. I refuse to answer the question on the ground that I am not required to give advice against myself.

Mr. KENNEDY. That is Peter Luscko, Mr. Chairman, and he is now a dispatcher and works with Mr. Cendrowski, in that important position. He has a long criminal record.

He was a material witness on this charge of manslaughter, was he not?

He, himself, was arrested?

Mr. MYHASUK. He was, yes, sir.

Mr. KENNEDY. How did you both end up as important figures in local 107? Did Mr. Cohen bring you into local 107?

(The witness conferred with his counsel.)

Mr. MYHASUK. I have been in the union a long time.

Mr. KENNEDY. You what?

Mr. MYHASUK. I have been in the local, in that local, a long time.

Mr. KENNEDY. Did you get paid any money by local 107?

Mr. MYHASUK. I refuse to answer the question on the grounds that I am not required to give advice against myself?

Mr. KENNEDY. The man that you served time for killing, the manslaughter was with a screwdriver, was it? Is that correct?

Mr. MYHASUK. Yes. Well, I—

Mr. KENNEDY. What? A screwdriver?

Mr. MYHASUK. Yes, sir.

Mr. KENNEDY. And Mr. Luscko was arrested in connection with that?

Mr. MYHASUK. Yes, sir.

Mr. KENNEDY. And you refuse to tell whether you received any money from the union since Mr. Cohen took over?

Mr. MYHASUK. Yes, I refuse that.

The CHAIRMAN. Do you think it might incriminate you to receive a little money from a union?

(The witness conferred with his counsel.)

Mr. MYHASUK. There might be some evidence against me.

Mr. KENNEDY. What is your present occupation?

Mr. MYHASUK. I have been a truckdriver all my life.

Mr. KENNEDY. Are you a truckdriver out in Las Vegas?

Mr. MYHASUK. I haven't been working.



Mr. KENNEDY. What is your present source of income?

Mr. MYHASUK. I haven't any.

Mr. KENNEDY. You have none?

Mr. MYHASUK. No, sir.

Mr. KENNEDY. How long have you not had a source of income?

Mr. MYHASUK. About 8 months.

Mr. KENNEDY. You haven't had any work for 8 months?

Mr. MYHASUK. That is right.

Mr. KENNEDY. How long have you been out of local 107?

Mr. MYHASUK. A couple of years.

Mr. KENNEDY. Have you gotten any money from local 107 in the last 2 years?

Mr. MYHASUK. No, sir.

Mr. KENNEDY. You have not?

Mr. MYHASUK. No, sir.

The CHAIRMAN. How long have you been out of 107?

Mr. MYHASUK. Two years.

The CHAIRMAN. All right. You may stand aside. Call the next witness.

Mr. CARROLL. May I thank you before I leave, sir, for asking that question at my request of the last witness?

Mr. KENNEDY. We have another witness to identify Mr. Myhasuk, so he might as well stand by.

The CHAIRMAN. Are you through with Mr. Roberts at present?

Mr. KENNEDY. Yes.

We have a short witness.

Mr. Gravenor.

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. GRAVENOR. I do.

### TESTIMONY OF SAMUEL GRAVENOR

The CHAIRMAN. State your name, your place of residence, and business or occupation.

Mr. GRAVENOR. Samuel Gravenor, Townsend, Del. I operate a farm.

Mr. KENNEDY. You operate a farm?

Mr. GRAVENOR. That is correct.

The CHAIRMAN. You waive counsel, do you?

Mr. GRAVENOR. Yes, sir.

Mr. KENNEDY. You were a business agent for Teamsters Local 107?

Mr. GRAVENOR. In Wilmington.

Mr. KENNEDY. In Wilmington, Del.?

Mr. GRAVENOR. That is right.

Mr. KENNEDY. You were a business agent under Mr. Crumbock?

Mr. GRAVENOR. That is right.

Mr. KENNEDY. The 8 business agents in Philadelphia were elected and the 2 business agents in Wilmington, Del., were appointed, is that right, during his time?

Mr. GRAVENOR. I can only speak for the business agents in Wilmington. They were appointed.

Mr. KENNEDY. You were appointed by Mr. Crumbock?

Mr. GRAVENOR. By Mr. Crumbock.

Mr. KENNEDY. You supported Mr. Crumbock during the election?

Mr. GRAVENOR. That is right.

Mr. KENNEDY. Were you assaulted during the period of the election?

Mr. GRAVENOR. Yes, just before the election. It was during the activities.

Mr. KENNEDY. What happened?

Mr. GRAVENOR. I went to Philadelphia to attend a joint council meeting which was customary, once a month, and when approaching the building two fellows walked up to me and asked me whose side I was on. Before I could give them any explanation, John Myhasuk walks up and starts swinging and the other two fellows grabbed me. I received a black eye and a bloody nose.

The CHAIRMAN. Do you mean this witness that just left the witness stand?

Mr. GRAVENOR. That is correct.

The CHAIRMAN. Had two men hold you before he hit you?

Mr. GRAVENOR. No; he walked up and as he started swinging, they grabbed me. The two of them.

The CHAIRMAN. In other words, three of them?

Mr. GRAVENOR. That's correct.

The CHAIRMAN. Two of them held you while he hit you?

Mr. GRAVENOR. That's correct.

The CHAIRMAN. That is very brave, isn't it? I think it is just the opposite. I think it is the most low-down sort of cowardice.

Mr. KENNEDY. After the election, Mr. Cohen took office, and did you continue as business agent?

Mr. GRAVENOR. No. The election was over on a Tuesday, I believe, and I resigned that Friday of that week.

Mr. KENNEDY. Was there any pressure put on you to resign?

Mr. GRAVENOR. No; there wasn't enough time. I resigned first.

Mr. KENNEDY. Did you then attempt to go back to your former job as truckdriver?

Mr. GRAVENOR. Not immediately. I sent my dues in to local 107, Wilmington, where I was a member, and in registered mail. They returned the check with no explanation, just the check in an envelope.

Mr. KENNEDY. You sent your money in with your dues to the union and they returned the check to you?

Mr. GRAVENOR. That is correct.

Mr. KENNEDY. They refused to accept your dues?

Mr. GRAVENOR. Twice.

Mr. KENNEDY. Therefore, you wouldn't be a member in good standing, is that correct?

Mr. GRAVENOR. That is correct.

Mr. KENNEDY. Therefore, it would be impossible for you to get a job as truckdriver?

Mr. GRAVENOR. That is correct.

Mr. KENNEDY. Did they give any reason for not accepting your dues?

Mr. GRAVENOR. None whatever. They sent the check back in an envelope.

Mr. KENNEDY. That deprived you of your livelihood or what you expected to be your livelihood?

Mr. GRAVENOR. That is right.

Mr. KENNEDY. Did you take up farming full time at that time?

Mr. GRAVENOR. Yes; I did.

Mr. KENNEDY. You can no longer drive a truck?

Mr. GRAVENOR. Not under a union contract.

Mr. KENNEDY. Not what?

Mr. GRAVENOR. Not as a member of the union, I couldn't.

Mr. KENNEDY. And most of them are unionized?

Mr. GRAVENOR. That is right.

Mr. KENNEDY. And you were out of work at that time?

Mr. GRAVENOR. Yes.

Mr. KENNEDY. And you now run a farm, is that right?

Mr. GRAVENOR. That is right.

Mr. KENNEDY. Is there a good deal of fear of the officers and those who operate the union, local 107, at the present time?

Mr. GRAVENOR. There isn't any fear in Wilmington, as far as the Wilmington office is concerned. The members down there are very much in favor of a charter of their own, to separate them from local 107 in Wilmington. They have no fear of the business agents in Wilmington. During the election, there was quite a bit of fear of those boys traveling to and from Philadelphia, and especially on the road.

But as far as any fear being in Wilmington itself, or the Wilmington branch of 107, the local boys, there was no fear.

Mr. KENNEDY. What about in Philadelphia? Do you know about that?

Mr. GRAVENOR. I don't know too much about Philadelphia activities, because I confined all my activities to Wilmington where I was supposed to be.

I knew all of the business agents, of course, and I had occasions to be in Philadelphia. But from a membership standpoint in Philadelphia, I had no parts of it.

Mr. KENNEDY. Anyway, you were deprived of your livelihood by the actions of the people in Philadelphia?

Mr. GRAVENOR. That is correct.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Did you attend the meeting after this man beat you up?

Mr. GRAVENOR. No, sir. I went up and told Everett Crumbock, who was up on the platform at the time—the meeting hadn't started as yet—and he suggested that one of 463——

The CHAIRMAN. Suggested what?

Mr. GRAVENOR. Suggested that a 463 member take me around to the hospital, which he did. I went around to the hospital, and they wiped a little blood off my face, wiped my face up, and dismissed me. I went from there back to the Wilmington office. I never stayed for the meeting.

(At this point, Senator Curtis withdrew from the hearing room.)

The CHAIRMAN. Were you supposed to attend that meeting as part of your official duties?

Mr. GRAVENOR. Yes, sir, all business agents are.

The CHAIRMAN. This occurred when?

Mr. GRAVENOR. I believe it was in March or April of 1954. I can't be just sure of that.

The CHAIRMAN. That was after Cohen had taken over the union?

Mr. GRAVENOR. No.

The CHAIRMAN. This was just before the election?

Mr. GRAVENOR. That is right.

The CHAIRMAN. After that, did you engage in any further political activity with respect to your candidate?

Mr. GRAVENOR. Yes, sir. I never stopped. I made a stronger effort than ever then.

The CHAIRMAN. When was it your check was sent back?

Mr. GRAVENOR. I believe there was one sent back in August and one sent back in September.

The CHAIRMAN. Some 3 or 4 months after election?

Mr. GRAVENOR. Yes, sir.

The CHAIRMAN. You had continued to be a member of the union up until then?

Mr. GRAVENOR. I was paid up until then.

The CHAIRMAN. And when you sent in your next check or your next dues that you owed, your check was returned?

Mr. GRAVENOR. That is correct.

Mr. CHAIRMAN. And that put you out of the union?

Mr. GRAVENOR. That is correct.

The CHAIRMAN. It is just as simple as that?

Mr. GRAVENOR. Just like that.

The CHAIRMAN. No charges were preferred against you?

Mr. GRAVENOR. No, sir.

The CHAIRMAN. The only crime you had committed was to exercise your own judgment and choice in trying to elect an official of your union?

Mr. GRAVENOR. Trying to elect an official of the union whom I believed in, and who I thought had done a good job for the people in Wilmington, at least.

The CHAIRMAN. And you have paid a penalty for doing that, a penalty of loss of your livelihood, that is, as you had planned it, and as had been your work?

Mr. GRAVENOR. Yes, sir. I feel so.

The CHAIRMAN. Do you have any information about whether the members of local 107 now under Cohen being in a state of fear? Are they intimidated? Can they exercise their rights as men and as citizens and as members of the union?

Mr. GRAVENOR. You are speaking of the people in Wilmington, of the Wilmington office?

The CHAIRMAN. No.

Mr. GRAVENOR. I can't speak for the members in Philadelphia. I might explain that in the Wilmington branch, we operated as a separate union. In other words, we were under the jurisdiction of 107, and we were a part of 107, but we had our own bank account, our own books, our own business agents, and we operated separately altogether.

I can't speak for the membership in Philadelphia. I can only speak for the office and the membership in Wilmington.

The CHAIRMAN. Who was it that sent your dues back?

Mr. GRAVENOR. It was returned from the Wilmington office. Who it was, I don't recall. I don't have it with me, but I have the regis-

tered mail receipt where it was received in Wilmington, and I have the checks.

The CHAIRMAN. Was there anybody in Wilmington, in the office there, that you know of, that would want to kick you out of the union?

Mr. GRAVENOR. Well, I feel quite sure that both Crawford, who was the senior business agent, when I was in there, and who is still in there, and the new appointed agent, Albert Craig, I feel quite sure that they would both like to see me out.

The CHAIRMAN. That was after the election?

Mr. GRAVENOR. Yes.

The CHAIRMAN. And they wanted to get out those who had been active in supporting the other candidate?

Mr. GRAVENOR. That is correct.

The CHAIRMAN. Are there any further questions?

Senator ERVIN. Mr. Chairman?

The CHAIRMAN. Senator Ervin.

Senator ERVIN. As I understand your testimony, you twice mailed union dues to the Wilmington office?

Mr. GRAVENOR. I tried to pay my Wilmington dues to the Wilmington office.

Senator ERVIN. And on both occasions, the checks which you tendered them through the mail were returned to you?

Mr. GRAVENOR. Yes.

Senator ERVIN. And you were never given an explanation by any of the officers there as to why they refused to accept the check and permit you to continue as a member of the union?

Mr. GRAVENOR. No, sir.

Senator ERVIN. As a result of that, you were compelled to abandon your employment and take up other work in order to provide a livelihood for yourself and your family?

Mr. GRAVENOR. Yes, sir.

The CHAIRMAN. Are there any other questions?

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you very much.

Call the next witness.

Mr. KENNEDY. Mr. Chairman, we have gone into the preliminary background of the election and Mr. Cohen's taking over the union. Now we are starting another section which will deal with the financial operations of the union and the alleged support of Mr. Cohen's campaign out of union funds. We will start that by calling a witness from the committee staff, Mr. John Flanagan.

The CHAIRMAN. Come forward, Mr. Flanagan.

Do you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. FLANAGAN. I do.

#### TESTIMONY OF JOHN B. FLANAGAN

The CHAIRMAN. State your name, your place of residence and your business or occupation.

Mr. FLANAGAN. My name is John B. Flanagan. I reside at 4122 Merrick Street, Philadelphia, Pa. For the past 9½ years I have



been an investigator for the United States General Accounting Office. For the past 15 months I have been assigned to this select committee.

The CHAIRMAN. You have been working on the staff of this committee?

Mr. FLANAGAN. I have been.

The CHAIRMAN. What kind of investigative work do you do for the General Accounting Office?

Mr. FLANAGAN. We make primarily accounting investigations.

The CHAIRMAN. Are you an accountant?

Mr. FLANAGAN. I am not a certified public accountant; no, sir.

The CHAIRMAN. You are experienced in accounting?

Mr. FLANAGAN. I am.

The CHAIRMAN. And employed by the Government in that capacity?

Mr. FLANAGAN. I am.

The CHAIRMAN. All right, Mr. Kennedy.

Mr. KENNEDY. Mr. Chairman, Mr. Flanagan will be recalled later on during the hearings, but the first 2 matters that I want to ask him about are 2 checks that were taken from the records of local 107.

You have reviewed the books and records of local 107, have you not, Mr. Flanagan?

Mr. FLANAGAN. I did.

Mr. KENNEDY. You have gone through their books and records and examined some canceled checks and other documents?

Mr. FLANAGAN. Yes, sir.

Mr. KENNEDY. I want to find out if you can identify these two checks.

The CHAIRMAN. I hand you what purports to be photostatic copies of 2 checks, one dated June 10, 1954, in the amount of \$15,000, signed Raymond Cohen, secretary-treasurer, and Joseph E. Grace, president, Highway and Truck Drivers and Helpers Local Union No. 107. I ask you to examine it while I am identifying the other one.

(Document handed to the witness.)

The CHAIRMAN. The other one is signed in the same manner, dated June 15, 1954, in the amount of \$10,000.

Each of these checks are made payable to cash. I will ask you to examine them and state if you identify them as photostatic copies of checks that you found in the files of the union.

(Document handed to the witness.)

Mr. FLANAGAN. These are photostatic copies of checks that I found in the records of local 107.

The CHAIRMAN. They may be made exhibit 4. The first one I presented will be made exhibit 4 and the next one 4A. The \$15,000 check will be 4, and the \$10,000 check will be 4A.

(The documents referred to were marked "Exhibits Nos. 4 and 4A" for reference and will be found in the appendix on pp. 10797-10798.)

The CHAIRMAN. By whom were these checks endorsed? They show on the face of them—

Mr. FLANAGAN. Check No. 8622 bears the handwritten endorsement "Joseph E. Hartsough."

The CHAIRMAN. All right. That's the check in the amount of what?

Mr. FLANAGAN. That is the check for \$15,000. It is committee exhibit No. 4.

The CHAIRMAN. And the other one?

Mr. FLANAGAN. Committee exhibit No. 4A, the check for \$10,000, drawn to cash, is endorsed with the handwritten name "Joseph E. Hartsough."

The CHAIRMAN. Thank you.

Mr. KENNEDY. What was Mr. Hartsough's position with local 107?

Mr. FLANAGAN. Mr. Hartsough is the office manager and the book-keeper and secretary to Mr. Raymond Cohen.

Mr. KENNEDY. On these check stubs, it states, "To cash, truck check, time lost," is that right?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. And "Truck check, time lost, see voucher, cash." These were both cash, is that right?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. Then was there a list of names of individuals who were supposed to receive this total of \$25,000?

Mr. FLANAGAN. There was.

Mr. KENNEDY. Would you identify that?

The CHAIRMAN. I hand you here what purports to be the original list of names to which you have referred, about which you have testified, and I ask you to examine it and state if it is the original document and list of names that you found in the records of the union.

(Document handed to the witness.)

Mr. KENNEDY. This is the original list which I found in the records of local 107, purporting to support the disbursement of \$25,000 in cash.

The CHAIRMAN. That may be made exhibit No. 5, for reference.

(The document referred to was marked "Exhibit No. 5" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. I want to ask you whether this is a list of the names, typewritten names, and then signatures next to those names; is that right?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. And after the signature there is a figure of the amount of money?

Mr. FLANAGAN. A handwritten amount.

Mr. KENNEDY. Indicating the amount of money that each individual received; is that right?

Mr. FLANAGAN. That is my understanding.

Mr. KENNEDY. And the total amount of money that is alleged to have been received as the figures appear here is \$25,000?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. These are the documents that back up these 2 checks totaling \$25,000; is that correct?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. That is all for now, Mr. Chairman. We will have Mr. Flanagan come back when we need him.

The CHAIRMAN. Very well.

Mr. KENNEDY. I want to call Mr. James Cadigan.

The CHAIRMAN. Do you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CADIGAN. I do.

## TESTIMONY OF JAMES C. CADIGAN

The CHAIRMAN. State your name, your place of residence, and business or occupation?

Mr. CADIGAN. James C. Cadigan, 5612 37th Avenue, Hyattsville, Md. I am a special agent of the Federal Bureau of Investigation, assigned as an examiner of questioned documents in the FBI Laboratory here in Washington.

The CHAIRMAN. You waive counsel, of course?

Mr. CADIGAN. Yes, sir.

The CHAIRMAN. Thank you.

All right, Mr. Kennedy.

Mr. KENNEDY. What are your responsibilities as an examiner of questioned documents?

Mr. CADIGAN. Well, to examine all types of cases involving documents, such as handwriting, hand printing, typewriting, forgeries, erasures, alterations, paper, pens, inks, and any other particular problems that may come up in the field.

Mr. KENNEDY. How long have you been in that Department?

Mr. CADIGAN. About 16½ years.

Mr. KENNEDY. How long have you been with the FBI?

Mr. CADIGAN. Sixteen and a half years.

Mr. KENNEDY. And you have been with that Department all that time, is that right?

Mr. CADIGAN. Yes, sir.

Mr. KENNEDY. And you have had the experience of examining records, alterations, forgeries, for that period of time?

Mr. CADIGAN. Yes, sir.

Mr. KENNEDY. Have you made an examination of the list of names that was furnished you by this committee?

Mr. CADIGAN. Yes, sir.

The CHAIRMAN. For your examination, the Chair presents to you exhibit 5, the list of the names and the amounts of money, according to the records of the union, that accounts for the \$25,000 represented by the two checks.

(Documents were handed to the witness.)

Mr. CADIGAN. Yes, sir; it is the same list.

The CHAIRMAN. You have heretofore examined that document, have you?

Mr. CADIGAN. Yes, sir.

Mr. KENNEDY. Examining that document, did you find any alterations in the amounts of money that were purported to have been received by these various individuals?

Mr. CADIGAN. Yes, sir; I did.

Mr. KENNEDY. Would you explain what you found to the committee? Give us some examples of where the alterations took place.

Mr. CADIGAN. I found alterations in connection with the amounts on page 1, opposite the names of James Broadbent, Charles Morris—

Mr. KENNEDY. Could you tell us on each one of those individuals what the alterations appeared to have been, or what you found the alterations to have been?

Mr. CADIGAN. The original amount was \$100.25 and it was altered to \$125. The entry for Charles Morris was originally \$3.75, and it was raised to \$375.

For Edward Battisfore, originally it was \$6.50, raised to \$600. For John Shanko, it was \$100, raised to \$200.

For Samuel Doman, Jr., \$1.25, raised to \$150. For Edward Roski, \$1.25, raised to \$125. Frank Price, \$1.00 raised to \$100. That is on the first page.

On the second page, the amount for Sam Doman was altered from \$2.25 to \$225. Joe Westenberg, from \$1.50 to \$450. Harry Graff, from \$100 to \$180. Walter Baker, \$200 to \$450.

Frank Branden or Brandau, \$100 to \$400.

On the third page, \$2.50 is altered to \$350. The amount for Harry W. McNally, from \$1.50 to \$150. The amount opposite Albert Berman, from \$150 to \$600, and Charles O'Lear from \$150 to \$600.

The CHAIRMAN. Is that the total?

Mr. CADIGAN. Those are——

The CHAIRMAN. Have you covered all of them?

Mr. CADIGAN. All that I found evidence to show that the original amounts had been altered.

The CHAIRMAN. Have you totaled those figures up, what the original amount was and what the raised amount was, and can you give us the difference?

Mr. CADIGAN. Yes. According to my figures, the original amount was \$1,076.25, and it presently shows a total of \$5,080.

The CHAIRMAN. So they raised it to about five times as much?

Mr. CADIGAN. Well, about \$4,000 is the difference.

The CHAIRMAN. From \$1,000 and something to begin with, and it is \$5,000 and something now?

Mr. CADIGAN. That is correct.

The CHAIRMAN. So it was raised from 1 to 5, in round numbers?

Mr. CADIGAN. Yes, sir.

The CHAIRMAN. All right.

Mr. KENNEDY. Were there other numbers or items on that list where you were unable to tell whether there had been alterations?

Mr. CADIGAN. Yes, sir; there were a number of other instances where I couldn't find sufficient evidence to warrant a finding that there had definitely been an alteration.

Mr. KENNEDY. But these that you gave are ones that you definitely established that had been altered?

Mr. CADIGAN. Yes, sir.

Mr. KENNEDY. On the others, there might be just a suspicion that they had been altered?

Mr. CADIGAN. That is correct.

Mr. KENNEDY. Could you give us a couple of examples of how they would be altered?

Mr. CADIGAN. Well, in some instances, for example on Charles Morris, originally it was \$3.75, the conventional amount for writing \$3.75, and then they put another period after the 5 and added 2 zeros.

In the case of Harry Graff, originally it read \$100, and they altered it to \$180 by adding a small cipher or zero on top of the second numeral.

In the case of O'Lear and Berman, the amount was changed, the initial digit was changed from a 1 to a 6 by running a line down that 1 or the staff of the 6 and then adding the loop on the base.

In a couple of instances, or in the instance of Joe Westenberg, the amount was \$150, and they altered it by writing the 4 so that the original numeral 1 coincided or closely approximated the cross stroke of the 4.

Mr. KENNEDY. So there was an attempt, certainly, in some of those, to hide the fact that the alteration had taken place?

Mr. CADIGAN. Yes, sir.

Mr. KENNEDY. I would like to ask you about whether you have examined, in addition to that list, certain of the checks coming out of local 107?

Mr. CADIGAN. Yes, sir; I have.

Mr. KENNEDY. I would like to ask you specifically whether you have examined these four checks?

The CHAIRMAN. I hand you 4 checks, photostatic copies of them, 1 dated April 11, 1956; 1, March 16, 1958; 1, May 20, 1958; and 1, June 3, 1955.

I ask you to examine these checks and state if you identify them and then can testify further about them.

These checks, I believe, are all signed by Mr. Cohen as secretary-treasurer, and Mr. Grace as president.

(Documents were handed to the witness.)

Mr. CADIGAN. Yes, sir; I have them identified.

Mr. KENNEDY. Those are checks that you have examined, and you have examined the endorsement on the back; have you?

Mr. CADIGAN. Yes, sir.

Mr. KENNEDY. And the endorsement on the back is written David Kanner, or Dave Kanner?

Mr. CADIGAN. Two of them are David Kanner, and two are Dave Kanner.

Mr. KENNEDY. What is the total amount of those checks?

The CHAIRMAN. The checks will be made exhibit No. 6, A, B, and C, starting with the one with the smallest amount as 6 and go up to the highest amount as C.

(Documents referred to were marked "Exhibits No. 6 and 6-A through C," and will be found in the appendix on pp. 10799-10802.)

Mr. CADIGAN. That would be \$3,900.

Mr. KENNEDY. \$3,850; isn't it?

Mr. CADIGAN. I stand corrected.

Mr. KENNEDY. You examined those four checks, and you examined the signature as written out by Mr. David Kanner?

Mr. CADIGAN. Yes, sir.

Mr. KENNEDY. And you compared them, the endorsement on the back and the proper signature of David Kanner?

Mr. CADIGAN. That is correct.

Mr. KENNEDY. And did you find that those endorsements on those four checks were forgeries?

Mr. CADIGAN. That is correct. They were not written by David Kanner.

The CHAIRMAN. The Chair hands you the signature of Mr. Kanner, Dave Kanner, taken on February 27, 1958, before a member of the staff of the committee, and asks you to examine this signature and state if this signature is the one with which you made the comparison?

(A document was handed to the witness.)

Mr. CADIGAN. Yes, sir, it is.



The CHAIRMAN. All right. That signature may be made exhibit No. 6-D.

(Document referred to was marked "Exhibit 6-D," for reference and will be found in the appendix on p. 10803.)

The CHAIRMAN. Do you state from your experience, your professional experience and knowledge, that the signatures on the four checks is not the signature of Dave Kanner?

Mr. CADIGAN. That is correct, sir.

The CHAIRMAN. They are definitely forgeries?

Mr. CADIGAN. Yes, sir.

The CHAIRMAN. All right.

Mr. KENNEDY. Here is another item.

The CHAIRMAN. The Chair presents to you now another check in the amount of \$1,000, dated January 10, 1956, made payable to Joseph E. Katz, drawn on the same union, signed by Raymond Cohen and Joseph E. Grace.

Will you examine that check and state if you identify it as one that you have previously examined?

(A document was handed to the witness.)

Mr. CADIGAN. Yes, I have examined this before.

The CHAIRMAN. All right. That may be made exhibit No. 7.

(Document referred to was marked "Exhibit No. 7," for reference and will be found in the appendix on p. 10805.)

Mr. KENNEDY. That is a check for \$1,000 to Mr. David Katz, is it?

Mr. CADIGAN. Yes, sir, No. 1360.

Mr. KENNEDY. Is that endorsed on the back? Is there a signature there which purports to be David Katz?

Mr. CADIGAN. No, this has a handwritten endorsement "Joseph E. Katz."

Mr. KENNEDY. Is that signature on the back of the check a forgery?

Mr. CADIGAN. Yes, it is.

Mr. KENNEDY. That is not the signature, in fact, of Joseph E. Katz?

Mr. CADIGAN. It is not.

The CHAIRMAN. Do you have Katz' signature, with which you examined it?

Mr. CADIGAN. Yes, sir. I have six general signatures of Joseph Katz made in the presence of George L. Nash, on March 31, 1958.

The CHAIRMAN. The signatures, the genuine signatures, may be made exhibit 7-A.

(Document referred to was marked "Exhibit 7-A," for reference and will be found in the appendix on p. 10806.)

Mr. KENNEDY. Mr. Chairman, could we ask this witness to step aside for a moment?

The CHAIRMAN. You have also examined a number of other checks which have been submitted to you by the committee, have you, on this union?

Mr. KENNEDY. Yes, sir.

The CHAIRMAN. Your further testimony will be needed, but you may stand aside for the present.

Call the next witness.

Mr. KENNEDY. Mr. Kanner.

The CHAIRMAN. Do you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KANNER. I do.

### TESTIMONY OF DAVID KANNER

The CHAIRMAN. State your name, your place of residence, and business or occupation.

Mr. KANNER. My name is David Kanner, I live at 7007 Brentwood Road, in Philadelphia. I am an attorney in Philadelphia.

The CHAIRMAN. Thank you very much.

You, of course, waive counsel, then?

Mr. KANNER. Yes, sir.

The CHAIRMAN. All right, Mr. Kennedy.

Mr. KENNEDY. Mr. Kanner, you are an attorney in Philadelphia?

Mr. KANNER. Yes, sir.

Mr. KENNEDY. And you have done some work for local 107?

Mr. KANNER. Well, I have done some work. I haven't represented local 107, but at the request of some of the members or of the individuals I have represented them in various cases.

Mr. KENNEDY. Have you been paid by local 107?

Mr. KANNER. I have been paid partially by local 107. I have also been paid cash fees by the members, and also by some of the officials of local 107.

The CHAIRMAN. Do you mean cash fees by some of the officials?

Mr. KANNER. Yes.

The CHAIRMAN. And also cash fees by some of the members you represented?

Mr. KANNER. Yes, that is right.

The CHAIRMAN. Have you also been paid some fees by the union itself?

Mr. KANNER. Yes, sir.

The CHAIRMAN. That is what I wanted to know.

Mr. KANNER. Yes, sir.

Mr. KENNEDY. And there have been some checks which we have shown you which were legitimate and genuine checks which you received?

Mr. KANNER. If my memory serves me correctly, I believe you showed me two checks, I think that is right, which bear my signature and also the rubber stamp on the back, the endorsement.

Mr. KENNEDY. Those were two checks that were legitimate?

Mr. KANNER. Yes, sir.

Mr. KENNEDY. I will now present to the chairman the four checks which have already been made exhibits.

The CHAIRMAN. The Chair presented to you exhibit 6, 6-A, 6-B, and 6-C, 4 checks that have been previously identified, and ask you to examine the endorsement on those checks and state if it is your name, first, and then, next, whether it is your signature, your endorsement. (Documents were handed to the witness.)

Mr. KANNER. Do you want me to do it individually by check?

The CHAIRMAN. No, you may do it as to all of them. Just examine them to satisfy yourself.

Mr. KANNER. Yes, sir, I have examined them.

The CHAIRMAN. Does your name appear as the endorser on those checks?

Mr. KANNER. Do you mean as the payee, as the payee on the check, on the fronts?

The CHAIRMAN. Yes, and as the endorser.

Mr. KANNER. My name appears as the payee—there are 4 checks—on the front, and also on the back as the endorser, with 1 differentiation, that the first name on 2 of the checks appears as Dave, and the other 2 appear as David.

The CHAIRMAN. David?

Mr. KANNER. Yes.

The CHAIRMAN. How do you usually sign your name?

Mr. KANNER. David.

The CHAIRMAN. David?

Mr. KANNER. Yes.

The CHAIRMAN. Two of them you wouldn't have signed that way, Dave, but you always sign David?

Mr. KANNER. Yes, sir.

The CHAIRMAN. Are any of the signatures, endorsement signatures, on the back where your name is written, are either of those endorsement signatures your own?

Mr. KANNER. You say either. There are four signatures, may I call to your attention. There are four. None of them are mine.

The CHAIRMAN. None of the four are your signatures?

Mr. KANNER. No, sir.

The CHAIRMAN. You did not receive the checks?

Mr. KANNER. I obviously didn't know anything about them until I was told by some investigator. So, obviously, I never received the proceeds of the checks.

The CHAIRMAN. You did not receive the checks, you did not receive the proceeds?

Mr. KANNER. No, sir.

The CHAIRMAN. And you had no information or knowledge that such checks existed until this investigation was underway and the checks were shown to you by staff members of the committee?

Mr. KANNER. You say existed. I didn't know that those checks were ever drawn. Let me put it that way.

The CHAIRMAN. Well, all right. We will be just as technical. Well, that is what I mean, of course, in other words, none of this was within your knowledge at all?

Mr. KANNER. No, sir.

The CHAIRMAN. And you received none of the proceeds or benefited from it at all?

Mr. KANNER. No, sir.

The CHAIRMAN. Therefore, so far as the record of the union is concerned, in making it appear that you received the money and that the checks were made to you and that you endorsed them, those records are false?

Mr. KANNER. Well, Senator, I want to be fair about this. As far as the proceeds of these particular checks, as far as the money that was taken out of the depository, I didn't receive, but I did receive cash from them. Whether it represented part of these drawings or not, I don't know.

The CHAIRMAN. In other words, you do know you have at times received cash?

Mr. KANNER. Yes, sir.

The CHAIRMAN. From union officials?

Mr. KANNER. From the individual defendants whom I represented, or the officials; yes, sir.

The CHAIRMAN. But you never received the checks?

Mr. KANNER. No, sir.

The CHAIRMAN. And if you received any proceeds from them, somebody else forged your name and got the money and then gave it to you?

Mr. KANNER. Well, that is obvious.

The CHAIRMAN. It is obvious, isn't it?

Mr. KANNER. Yes, sir.

The CHAIRMAN. Are there any further questions?

Mr. KENNEDY. Did you submit any bills for these exact amounts?

Mr. KANNER. No.

Mr. KENNEDY. I want to ask you about one other check that we did not have and so we did not submit to the FBI. I want to find out if you can identify this check?

Mr. KANNER. Is this a new check that I have never been shown before?

The CHAIRMAN. I understand it is.

This is the original and not a photostatic copy. It appears to be the original. It appears to be an original check, No. 4137, dated October 1, 1956, in the amount of \$1,438.50, made payable to Dave Kanner, and signed by Mr. Cohen and Mr. Grace, as secretary-treasurer and president, respectively, of the union.

I present it to you and ask you to examine it and state if you received that check?

Mr. KANNER. Do you want me to return these four? Are you through with these?

The CHAIRMAN. I believe so. You may give them to the clerk.

(A document was handed to the witness.)

Mr. KANNER. I will put my glasses on.

Now, what is your question, Senator?

The CHAIRMAN. The question is: Did you receive that check?

Mr. KANNER. No, sir.

The CHAIRMAN. Is that your endorsement on the reverse side of the check?

Mr. KANNER. No, sir.

The CHAIRMAN. It is not your signature?

Mr. KANNER. No, sir.

The CHAIRMAN. You do not know that you received any of that?

Mr. KANNER. That is correct, sir.

The CHAIRMAN. In other words, it comes in the same category as the four checks, the photostatic copies of checks which we have presented to you?

Mr. KANNER. With the same explanation I have made, that is true.

The CHAIRMAN. With the same explanation?

Mr. KANNER. Yes, sir.

Mr. KENNEDY. How much is that check for?

Mr. KANNER. That is \$1,438.50.

The CHAIRMAN. Did you submit any bill for that amount?

Mr. KANNER. Well, it is 2 years ago, and I wouldn't want to trust my recollection. I hardly think it would be \$38.50 on anything,

except possibly it could be some costs involved. But I certainly wouldn't want to say yes or no.

The CHAIRMAN. Will you do this: Will you check your records and submit a statement?

Mr. KANNER. If I have anything that has such a statement, I will send it to you.

The CHAIRMAN. Yes, sir. I simply want to be fair. If, by any chance, you did submit a bill for that amount, it would be of interest to the committee to know it, and, if you didn't, of course, it wouldn't be of interest.

Mr. KANNER. I am saying it is my recollection. I am depending that. This is a few years back. I don't think I did, but I wouldn't want to just flatly say that I didn't.

The CHAIRMAN. If you find that your recollection is in error, would you so advise the committee?

Mr. KANNER. I certainly shall.

The CHAIRMAN. All right.

Mr. KENNEDY. Mr. Chairman, I might point out that the forgeries, in connection with these checks total \$5,288.

The CHAIRMAN. That is the total?

Mr. KENNEDY. Yes, for the five checks.

The CHAIRMAN. That will be made exhibit 6-E.

(Document referred to was marked "Exhibit 6-E" for reference and will be found in the appendix on p. 10804.)

Mr. KANNER. May I be excused to go back to Philadelphia?

Mr. CHAIRMAN. Yes; and thank you very much.

Mr. KENNEDY. Mr. Katz.

The CHAIRMAN. Mr. Katz, come forward, please.

Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KATZ. I do.

### TESTIMONY OF JOSEPH KATZ

The CHAIRMAN. State your name, your place of residence, and your business or occupation?

Mr. KATZ. Joseph Katz, 5028 D Street, Philadelphia, attorney at law.

The CHAIRMAN. Is your middle initial "E"?

Mr. KATZ. Never had a middle initial.

The CHAIRMAN. You never had a middle initial? I present to you here exhibit 7 of the committee, which is a photostatic copy of a check in the amount of \$1,000, made payable to Joseph E. Katz, and bearing a purported endorsement of Joseph E. Katz.

Would you please examine this exhibit and state if you received the original check?

(A document was handed to the witness.)

Mr. KATZ. No, sir.

The CHAIRMAN. You did not receive it?

Mr. KATZ. No, sir.

The CHAIRMAN. Is that your signature on the back of the check, Mr. Katz?

Mr. KATZ. Definitely not.



The CHAIRMAN. Can you account for that check having been issued and so endorsed?

Mr. KATZ. It is a complete mystery, sir.

The CHAIRMAN. All right.

Is there anything further?

Mr. KENNEDY. Had you ever done any work for local 107?

Mr. KATZ. Never.

Mr. KENNEDY. You had done some work for Mr. Lapensohn?

Mr. KATZ. Personally, yes.

The CHAIRMAN. For whom?

Mr. KENNEDY. Mr. Lapensohn——

Mr. KATZ. Personally.

Mr. KENNEDY. Who was associated with 107.

Mr. KATZ. That had nothing to do with me.

Mr. KENNEDY. You never received any money from local 107?

Mr. KATZ. Never.

Mr. KENNEDY. So far as you are concerned, the signature on the back is a forgery?

Mr. KATZ. Definitely.

The CHAIRMAN. Thank you very much.

Mr. KATZ. May I go back to Philadelphia?

The CHAIRMAN. Yes. You may be excused.

Thank you, sir.

Call the next witness.

Counsel advises we need a little time before we can proceed further.

Therefore, the committee will stand in recess until 10:30 tomorrow morning.

(Whereupon, at 4:20 p. m., the committee recessed to reconvene at 10:30 a. m., Wednesday, April 16, 1958.)

(Members of the committee present at the taking of the recess were: Senators McClellan and Ervin.)

# INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

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WEDNESDAY, APRIL 16, 1958

UNITED STATES SENATE,  
SELECT COMMITTEE ON PROPER ACTIVITIES,  
IN THE LABOR OR MANAGEMENT FIELD,  
*Washington, D. C.*

The select committee met at 10:30 a. m., pursuant to Senate Resolution 221, agreed to January 20, 1958, in the caucus room, Senate Office Building, Senator John J. McClellan (chairman of the select committee) presiding. Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator John F. Kennedy, Democrat, Massachusetts; Senator Sam J. Ervin, Jr., Democrat, North Carolina.

Also present: Robert F. Kennedy, Chief Counsel; Jerome S. Alderman, Assistant Chief Counsel; John B. Flanagan, Investigator; Leo C. Nulty, Investigator; Herbert J. Rose, Jr., Investigator; Ralph DeCarlo, Investigator; Ruth Young Watt, Chief Clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were: Senators McClellan and Ives.)

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Yesterday we had some testimony regarding a list of names which were individuals who were alleged to have received money from \$25,000 in 2 checks, 1 of \$10,000 and 1 of \$15,000, and we are now going to call some of the individuals whose names appear on that list, and also some officers of the local for some explanations as to the list.

The CHAIRMAN. You are speaking now about the 2 checks, the \$10,000 check and the \$15,000 check, where the list was submitted of the amount each had been paid out of those funds?

Mr. KENNEDY. That is correct, Mr. Chairman.

The CHAIRMAN. That is the list where the amounts have been greatly increased?

Mr. KENNEDY. That is right.

The CHAIRMAN. What is the name of the first witness?

Mr. KENNEDY. The first witness will be Edward B. Battisfore, who is a vice president of local 107.

The CHAIRMAN. All right, Mr. Battisfore, will you come around?

Mr. KENNEDY. And vice president of local 107, and also a business agent.

The CHAIRMAN. Will you be sworn, please.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BATTISFORE. I do.

**TESTIMONY OF EDWARD B. BATTISFORE, ACCOMPANIED BY HIS COUNSEL, JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ**

The CHAIRMAN. State your name, and your place of residence, and your business or occupation.

Mr. BATTISFORE. Edward Battisfore. I live at 207-D Haddon Hills, Haddon Hills, N. J., and I am vice president and business agent of local 107.

The CHAIRMAN. You have counsel present. Will you, Counsel, identify yourselves for the record?

Hereafter, Mr. Reporter, as counsel appears, the same counsel, just let the record so reflect. It will not be necessary for them hereafter to identify themselves during this series of hearings.

The reporter will take cognizance of their presence, and let the record so speak.

Mr. CARROLL. John Rogers Carroll, 2015 Land Title Building, Philadelphia, and Richard H. Markowitz, PSFS Building, Philadelphia.

The CHAIRMAN. All right, proceed.

How long have you been vice president of local 107?

Mr. BATTISFORE. About 31½ years, sir.

The CHAIRMAN. How long have you been business agent for local 107?

Mr. BATTISFORE. About 31½ years.

The CHAIRMAN. What did you do prior to that?

Mr. BATTISFORE. I drove a truck for 32 years.

The CHAIRMAN. All right, Mr. Kennedy.

Mr. KENNEDY. Were you elected to the position of vice president?

Mr. BATTISFORE. Yes, sir.

Mr. KENNEDY. When was that?

(Witness conferred with his counsel.)

Mr. BATTISFORE. November 1957.

The CHAIRMAN. The Chair is going to make this observation: Most of these questions that are asked the witness are certainly questions that call for answers that are within the witness' knowledge and not within the knowledge of counsel.

The witness has a right to confer with his counsel and counsel has a right to advise as to any legal matter involved, or an issue that may be raised or presented, but I do not want, and I am not going to permit, just every time we ask a question, that the counsel and the witness hold a long conference.

We are going to move along, and if counsel wants them to take the fifth amendment, or is going to advise them to take the fifth amendment, you can do it very quickly, and there is no use for a long, drawn-out conference each time a question is asked.

All right, proceed.

Mr. BATTISFORE. Can I answer that? The reason I checked with the counsel was there was an awful lot of confusion the first couple of

years, and I had been appointed for a couple of years before I was elected.

The CHAIRMAN. The Chair is not criticizing you for that, but now I didn't want any misunderstanding as we proceed.

I am going to expedite these hearings, and at the same time grant the witnesses and the counsel every proper deference.

Proceed.

Mr. KENNEDY. You had been appointed before that?

Mr. BATTISFORE. Yes, sir.

Mr. KENNEDY. How long were you vice president?

Mr. BATTISFORE. Three and a half years.

Mr. KENNEDY. When were you first appointed?

Mr. BATTISFORE. Well, that date is not clear.

Mr. KENNEDY. In 1954?

Mr. BATTISFORE. Along toward Christmas of 1954; yes, sir.

Mr. KENNEDY. By whom were you appointed?

Mr. BATTISFORE. Joe Grace and Ray Cohen.

Mr. KENNEDY. That is the president and secretary-treasurer of the union?

Mr. BATTISFORE. Yes, sir.

Mr. KENNEDY. Who was vice president prior to you?

Mr. BATTISFORE. William Binkowski.

Mr. KENNEDY. What happened to him?

Mr. BATTISFORE. Well——

(Witness conferred with his counsel.)

Mr. KENNEDY. Why were you appointed vice president, and what happened to him?

Mr. BATTISFORE. Well——

(Witness conferred with his counsel.)

Mr. KENNEDY. You don't know what happened to him?

Mr. BATTISFORE. I was under the assumption that he resigned.

Mr. KENNEDY. Was he requested to resign?

Mr. BATTISFORE. That I really don't know.

Mr. KENNEDY. Nobody discussed that with you?

Mr. BATTISFORE. Why should they, sir?

Mr. KENNEDY. You answer the questions. Did anybody discuss that with you?

Mr. BATTISFORE. No, sir.

Mr. KENNEDY. You were just appointed vice president?

Mr. BATTISFORE. Yes, sir.

Mr. KENNEDY. Is that provided for in the local constitution, that the president and secretary-treasurer can appoint a vice president?

(Witness conferred with his counsel.)

Mr. KENNEDY. You don't know that as vice president?

Mr. BATTISFORE. We have no local constitution, sir.

Mr. KENNEDY. Is that provided for in the international constitution?

Mr. BATTISFORE. I would say so; yes, sir.

Mr. KENNEDY. Do you know that?

Mr. BATTISFORE. For certain?

Mr. KENNEDY. Yes.

Mr. BATTISFORE. No, sir.

The CHAIRMAN. Do we have a copy of the international constitution?

Mr. KENNEDY. Do you have a copy of the international constitution?

Mr. CARROLL. I have one around here somewhere.

Mr. KENNEDY. Do you know what provision in the constitution provides that the secretary-treasurer or the president can appoint a vice president?

Mr. BATTISFORE. No, sir.

Mr. KENNEDY. Had you taken part in Mr. Cohen's campaign?

Mr. BATTISFORE. I think you misunderstood me, sir. I was actually acting vice president.

Mr. KENNEDY. You were acting vice president until elected in 1957?

Mr. BATTISFORE. Yes, sir.

Mr. KENNEDY. Did you have any opposition in 1957?

Mr. BATTISFORE. No, sir.

Mr. KENNEDY. Did you participate in Mr. Cohen's campaign?

(Witness conferred with his counsel.)

Mr. BATTISFORE. I have been advised that I have the right not to be a witness against myself under the fifth amendment, and I exercise that right.

Mr. KENNEDY. Did you contribute any money to Mr. Cohen's campaign?

Mr. BATTISFORE. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

Mr. KENNEDY. Have you received any cash payments from the union?

(Witness conferred with his counsel.)

Mr. BATTISFORE. I have been advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

Mr. KENNEDY. Now, Mr. Chairman, we have some information regarding the misuse of union funds, which I would like to ask this witness about.

Prior to doing that, I would like to ask him if he is personally paying his attorneys that are representing him here today.

The CHAIRMAN. The witness will answer.

Mr. BATTISFORE. No, sir.

Mr. KENNEDY. Is the union paying your attorneys?

Mr. BATTISFORE. Yes, sir.

Mr. KENNEDY. And the attorneys that are representing you are being paid out of union funds; is that correct?

Mr. BATTISFORE. Yes, sir.

Mr. KENNEDY. And I want to ask you about the money that you are alleged to have received on a list about which we had testimony yesterday, where the sum of money, according to the representative from the FBI, was raised from \$6.50 to \$600.

Did you receive any money in 1954, some \$600 in 1954 in cash?

Mr. BATTISFORE. I am advised that I have a right not to be a witness against myself, under the fifth amendment, and I exercise that right.

Mr. KENNEDY. Can you give us any explanation as to why this figure was raised from \$6.50 to \$600?

(Witness conferred with his counsel.)



Mr. BATTISFORE. I have been advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

Mr. KENNEDY. Now, Mr. Chairman, I would like to point out that the witness says, "I am advised that I have a right not to be a witness against myself," and the witness is being asked about the use of union funds, and he is being advised by attorneys who are being paid out of union funds, and being advised evidently not to give any testimony to the committee on the grounds that it might tend to incriminate him.

This is all dealing with union funds, and it appears to me a highly questionable practice on the part of the attorneys.

Mr. CARROLL. May I speak to that, sir?

The CHAIRMAN. Very briefly.

Mr. CARROLL. This question as you know has been raised with us previously. Being confident of the propriety of our position and our action, we have insisted upon continuing to represent not only the union but also individual members thereof.

The CHAIRMAN. Let me ask you this—when the Chair wishes to speak, just a moment.

The Chair feels that to use union money and union dues and dues of union members to defend and to try to protect men who are under a charge or under a suspicion of having misused union funds, in plain language having stolen union money and dues, it does raise a question of impropriety and a serious one.

That is, for the union to so spend the money to defend the men who are robbing and cheating the union members. I make no apology for that statement.

Mr. CARROLL. I don't ask for an apology. It just happens that our views are different.

The CHAIRMAN. You are entitled to your view, but I am going to express mine, and I have.

Mr. CARROLL. We checked with the Committee on Proper Guidance of the Philadelphia Bar Association, which is the appropriate committee for determination of such questions.

The CHAIRMAN. I am not bound by that.

Mr. CARROLL. It happens that I am, sir, and now I would like, with your permission, to read into the record the pertinent parts of the opinion of that committee, which says that our action is proper.

The CHAIRMAN. The Chair is not interested in that. You may submit it to the committee, if you like, for its inspection, and for its consideration, but it will not become a part of the record.

Mr. CARROLL. I will submit it.

Mr. KENNEDY. Could I just say on that point that if you are getting paid out of union funds, you are supposed to be representing, as I understand it, the union members. When questions are being raised as to the misuse of these union members' money, certainly an attorney is acting highly improperly in representing two masters when he appears with this witness and advises him not to give the committee the answers, and not to give the union members the answers as to what has happened to the union funds.

Mr. CARROLL. There is one more misconception in your statement, sir. You have twice now said that we are advising this witness not to answer. We have done no such thing, and as you know, we cannot.

We advise him as to each question whether or not he has the right not to answer, and whether he will or will not exercise that right, we must and do leave to him.

The CHAIRMAN. There is no misunderstanding between us, and we all know what is going on.

Senator IVES. May I interrupt, Mr. Chairman?

I am not a lawyer, but some of these things rather perplex me.

Does the Bar Association of Philadelphia understand this situation, as just now expressed by our counsel?

Mr. CARROLL. If I had your permission, Senator, to read their opinion—

Senator IVES. I am just asking you a question, whether they understand it or not?

Mr. CARROLL. They understand it precisely.

Senator IVES. That you are in a conflict of interest here, you are representing the union; that is, you are representing the officers of the union, and you are representing the union members, and there is a conflict between them on this thing?

They think that you have every right to do that, do they?

Mr. CARROLL. They have made their decision in accordance with canon 6 of the canons of ethics, of the American Bar Association.

Senator IVES. All I have got to say is I am a layman but that is a most peculiar situation morally that I have ever heard of.

Mr. KENNEDY. It appears to me that someone else raised this question and point some 2,000 years ago, about representing two masters.

Mr. CARROLL. I think it depends upon where the conflict is.

The CHAIRMAN. We are going to proceed, gentlemen.

The Chair presents to you a document here. It is a list of names of people who purportedly received money from the proceeds of two checks, one for \$10,000, and one for \$15,000, that have been introduced in evidence.

After the typewritten name is the signature of the man, of the same person purportedly, showing the amount of money he received out of the two checks.

Testimony has been presented here by experts from the FBI to the effect that many of the amounts originally stated and receipted for on this list have been substantially increased.

The Chair has just asked you about one with reference to Edward Battsfore, that is your name, I believe, and just asked you about some money that you are supposed to have have received.

Now I hand to you the original list, a photostatic copy of which has been made exhibit 5 in these hearings, and I ask you to look at your name typewritten here on the page that I present, on top, showing that you received \$600.

I ask you to examine it and state if you recognize it the document as vice president of the union, and whether that is your signature.

(A document was handed to the witness.)

(At this point Senator Kennedy entered the hearing room.)

(At this point, the following members were present: Senators McClellan, Kennedy, and Ives.)

Mr. BATTISFORE. I would——

The CHAIRMAN. Yes, sir?

Mr. BATTISFORE. I have seen this document before, sir, and I have been advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

The CHAIRMAN. Is that your signature on the document?

Mr. BATTISFORE. I refuse to answer for the same reason.

The CHAIRMAN. Did you forge the amount, change it, from its original amount up to \$600?

(The witness conferred with his counsel.)

Mr. BATTISFORE. I refuse to answer for the same reason, sir.

The CHAIRMAN. Did you cheat and defraud the men who worked and paid the dues into your union by that character of manipulation and forgery?

(The witness conferred with his counsel.)

Mr. BATTISFORE. I refuse for the same reason, sir.

The CHAIRMAN. Have you any conscience of obligation to the men and women who work and pay the dues into your organization to account for the money?

(The witness conferred with his counsel.)

Mr. BATTISFORE. Certainly, I do.

The CHAIRMAN. All right. Let's start accounting for it, if you have any sense of obligation on earth to them.

Did you receive that \$600?

(The witness conferred with his counsel.)

Mr. BATTISFORE. I refuse to answer for the same reason, sir.

The CHAIRMAN. State the reason again. Let's see what it is.

Mr. BATTISFORE. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. If you told the truth about that \$600, do you honestly believe the truth might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. BATTISFORE. It might give some evidence against me.

The CHAIRMAN. It might give some evidence against you?

Mr. BATTISFORE. Yes, sir.

The CHAIRMAN. How much? What was the original amount of it? What was that raised from?

Mr. BATTISFORE. I refuse to answer for the same reason, sir.

The CHAIRMAN. If you would answer that, we could tell just to what extent it might incriminate you.

Mr. BATTISFORE. I refuse——

The CHAIRMAN. Don't you think you owe the men that paid the dues in there some explanation of it?

(The witness conferred with his counsel.)

The CHAIRMAN. Well, what are you advised now? Let's have it.

Mr. BATTISFORE. I refuse to answer for the same reason, sir.

The CHAIRMAN. Is that all the money you have taken improperly, or is there a lot more?

Mr. BATTISFORE. I refuse to answer for the same reason, sir.

The CHAIRMAN. Don't you think the men that pay the dues are entitled to know how much you take away from them improperly? Don't you think they are entitled to know that?

(The witness conferred with his counsel.)

Mr. BATTISFORE. I do, sir.

The CHAIRMAN. All right. Let's tell them about it.

Mr. BATTISFORE. They know about it, sir.

The CHAIRMAN. Let's tell them. If they know about it, and you know about it, this committee has a right to know about it. Let's see if they know about it. Tell them again. Some of them are listening. Some of them would like to know.

(The witness conferred with his counsel.)

The CHAIRMAN. It wouldn't hurt to tell them again if they know about it.

Mr. BATTISFORE. I refuse to answer, sir, for the same reason.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. On page 4, line 2, Mr. Chairman, he has his name down as receiving another \$175. Did you receive that \$175?

The CHAIRMAN. Mrs. Watt, point out to the witness where his name appears again for receiving \$175.

(The witness conferred with his counsel.)

Mr. BATTISFORE. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

Mr. KENNEDY. Did you receive any of the money out of the \$25,000?

Mr. BATTISFORE. I refuse to answer for the same reason, sir.

Mr. KENNEDY. Here is another document dated October 17, 1956. It says:

The undersigned hereby certify that they have received amounts as indicated after their signatures for organizing expenses.

EDWARD BATTISFORE.

The CHAIRMAN. Has this been made an exhibit yet?

Mr. KENNEDY. No; it has not.

The CHAIRMAN. I present to you a document dated October 17, 1956, stating the undersigned hereby certify that they have received amounts as indicated after their signatures for organizing expenses.

Where is the amount?

Mr. KENNEDY. It doesn't have it. It has at the bottom the total of \$1,500.

The CHAIRMAN. I ask you to examine this document. It appears to be a photostatic copy of the original. State whether you ever saw that document before.

(The document was handed to the witness.)

Mr. BATTISFORE. Yes, sir; I have seen this document.

The CHAIRMAN. All right. It is out of the files, out of the records, of your union; is it not?

(The witness conferred with his counsel.)

Mr. BATTISFORE. I can't prove that, sir.

The CHAIRMAN. You can't prove it?

Mr. BATTISFORE. That it is out of the records or the files. I have nothing to do with the files.

The CHAIRMAN. Where did you see it before?

Mr. BATTISFORE. I say I see it, because I am almost sure that is my signature.

The CHAIRMAN. All right. That is your signature on that document. All right. How much of that \$1,500 did you get? It says down there, doesn't it, \$1,500?

Mr. BATTISFORE. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. Do your union members know about that?

(The witness conferred with his counsel.)

Mr. BATTISFORE. Yes, sir.

The CHAIRMAN. All right. Tell them again what you did with that money, and how much of it you got.

(The witness conferred with his counsel.)

Mr. BATTISFORE. I am advised I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. That document will be made exhibit No. 8.

(The document referred to was marked "Exhibit No. 8" for identification and will be found in the appendix on p. 10807.)

Mr. KENNEDY. Mr. Chairman, in order to expedite the matter, we have documents, a number of documents, showing that Mr. Battisfore allegedly received money from the union. As in that document, some of the other documents don't show the amount of money received.

I would like to ask you, particularly on that document, how much money you did receive, Mr. Battisfore?

Mr. CARROLL. From the same one?

Mr. KENNEDY. Yes. How much money did you receive on that?

(The witness conferred with his counsel.)

Mr. BATTISFORE. I refuse to answer for the same reason, sir.

Mr. CHAIRMAN. You better state your reasons occasionally, because "same reason" might get lost.

Mr. BATTISFORE. I am advised I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. If you told the truth about that \$1,500, and the part that you got of it, do you honestly believe that the truth might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. BATTISFORE. There might be some evidence against me, sir.

The CHAIRMAN. All right. Proceed.

Mr. KENNEDY. A number of them are like that, where there is no specific amount to each of those who signed, and a number of them show specific amounts.

The CHAIRMAN. Would you take the same position with respect to the other documents, similar documents, showing the money you are supposed to have received? I am just trying to expedite it. If you are going to take the fifth amendment on all of this, and you are not going to talk, say so.

(The witness conferred with his counsel.)

(At this point, Senator Ives withdrew from the hearing room.)

Mr. BATTISFORE. If they are the same; yes, sir.

The CHAIRMAN. If they are the same; you would refuse, would you, to give any explanation of them?

Mr. BATTISFORE. Yes, sir.

The CHAIRMAN. Well, I hand you three just to take a glance at. State if your signature is on those three documents.

(The documents were handed to the witness.)

(The witness conferred with his counsel.)

Mr. BATTISFORE. I refuse to answer for the same reason, sir.

The CHAIRMAN. You mean you wouldn't now identify your signature on those?

(The witness conferred with his counsel.)



Mr. BATTISFORE. That is right, sir.

The CHAIRMAN. You don't want to identify your signature any more?

Mr. BATTISFORE. That is right, sir.

The CHAIRMAN. You know we can make pretty good comparisons, don't you, with the one that you did identify and those?

I don't think it would incriminate you any further just to admit those are your signatures; do you?

(The witness conferred with his counsel.)

Mr. BATTISFORE. It might provide some evidence against me, sir.

The CHAIRMAN. I have no doubt about it.

You may return them. All right, Mr. Counsel.

Mr. KENNEDY. Mr. Chairman, we feel that a number of these documents were used as subterfuges for taking out sums of money from the union, which we will develop as we go along.

The CHAIRMAN. Do you want to make any explanation of that? We have a lot of documents here that obviously, unless there is some explanation for it, and I can't conceive of any, obviously show that a group of you folks up there have been robbing this union. Do you want to make any explanation of it?

(The witness conferred with his counsel.)

The CHAIRMAN. You can say yes or no, whether you want to or not. If you want to, I am going to permit you to do it.

Mr. BATTISFORE. It has been explained to the membership, sir.

The CHAIRMAN. Well, will you explain it to us?

Mr. BATTISFORE. No, sir.

The CHAIRMAN. You don't want to explain it?

Mr. BATTISFORE. No, sir.

The CHAIRMAN. Under oath, you are not willing. Did you explain it to your membership under oath, where you might be prosecuted for perjury if you lied about it?

Mr. BATTISFORE. I would, sir.

The CHAIRMAN. All right.

Explain it now, and let's see if you tell the truth about it.

(The witness conferred with his counsel.)

Mr. BATTISFORE. I have been advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. All right, Mr. Kennedy, proceed.

Mr. KENNEDY. Do you know Mr. Lapensohn, Ben Lapensohn?

Mr. BATTISFORE. I refuse to answer on the grounds that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. Has he been into this mischief with you?

Mr. BATTISFORE. I refuse to answer for the same reason, sir.

The CHAIRMAN. Is there anything else?

Mr. KENNEDY. That is all.

The CHAIRMAN. Stand aside for the present. You will remain until you are discharged.

Mr. KENNEDY. Mr. Henry Graff.

The CHAIRMAN. Mr. Graff, come forward.

You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GRAFF. I do.

**TESTIMONY OF HENRY J. GRAFF, ACCOMPANIED BY HIS COUNSEL,  
JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ**

The CHAIRMAN. State your name, your place of residence, and business or occupation.

Mr. GRAFF. Henry J. Graff, 3458 Orme Street, Philadelphia, helper at Modern Trucking Co.

The CHAIRMAN. You drive a truck?

Mr. GRAFF. I am a helper.

The CHAIRMAN. A helper in driving a truck? Helping what?

Mr. GRAFF. A helper on a truck.

The CHAIRMAN. A helper on the truck. You don't drive; you help?

Mr. GRAFF. That is right.

The CHAIRMAN. Let the record reflect the same counsel. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Graff, you have been a member of local 107 for how long?

Mr. GRAFF. 14 years.

Mr. KENNEDY. And did you assist Mr. Raymond Cohen in his election as secretary-treasurer?

(The witness conferred with his counsel.)

Mr. GRAFF. I refuse to answer the questions on the grounds that I might be required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Do you mean under the fifth amendment? Is that what you said?

Mr. GRAFF. That is right.

Mr. KENNEDY. Mr. Chairman, Mr. Graff is one of those whose signatures appears on the list of names. I would like to ask him specifically about that.

Did you receive any moneys from the union in 1954, Mr. Graff?

(The witness conferred with his counsel.)

Mr. GRAFF. I refuse to answer the question on the same grounds.

Mr. KENNEDY. Were you not interviewed by an investigator of this committee?

Mr. GRAFF. Yes.

Mr. KENNEDY. You were. And did you give that investigator an affidavit? Did you furnish an affidavit to the investigator?

(The witness conferred with his counsel.)

Mr. GRAFF. Yes.

Mr. KENNEDY. And in that affidavit, did you disclose how much money you had received from the union as it appears on this list?

Mr. GRAFF. I refuse to answer on the same grounds.

The CHAIRMAN. I can't hear you.

Mr. GRAFF. I refuse to answer the question on the same grounds.

The CHAIRMAN. What are your grounds?

Mr. GRAFF. I refuse to answer the question on the grounds that I am required to give evidence against myself.

The CHAIRMAN. I present to you the affidavit that you signed. You said you gave an affidavit. I ask you to examine that document and state if that is the affidavit you gave the investigator.

(The document was handed to the witness.)

Mr. GRAFF. I refuse to answer on the same grounds.

The CHAIRMAN. You are ordered and directed to answer. You said you gave an affidavit. I am ordering and directing you to answer the question whether that is the affidavit that you gave.

(The witness conferred with his counsel.)

Mr. GRAFF. I refuse to answer the question on the same grounds.

The CHAIRMAN. Did you tell the truth when you gave the affidavit?

Mr. GRAFF. I refuse to answer on the same grounds.

The CHAIRMAN. Did you tell a lie?

Mr. GRAFF. I refuse to answer the question on the same grounds.

I have been employed as a helper by Modern Transfer Co., Inc., 4021 G Street, Philadelphia, Pa., for the past 2 years.

I have been a member of Teamster Local 107 for the past 14 years. I am commonly known as Harry Graff.

Is that true?

(The witness conferred with his counsel.)

Mr. GRAFF. I refuse to answer on the same reason.

The CHAIRMAN (continuing reading) :

I have been shown a typewritten list of names, opposite which are handwritten names and amounts purportedly paid by local 107.

Present that document there to the witness.

(The document was handed to the witness.)

The CHAIRMAN. Is that the document that you were referring to that you had been shown before you testified?

(The witness conferred with his counsel.)

The CHAIRMAN. Is that the same document?

Mr. GRAFF. I refuse to answer on the same grounds.

The CHAIRMAN. You said here you had seen one. If that is not the one, say so.

Mr. GRAFF. I refuse to answer on the same grounds.

The CHAIRMAN (reading) :

On page 2 of the typewritten list, beginning with the name Charles Amerosa, and ending with the name Jim Kirk, the typewritten name Harry Graff appears on line 16.

Is that true?

Look at line 16 there.

(The witness conferred with his counsel.)

The CHAIRMAN. Or is it line 15?

Did you count?

Mr. GRAFF. My name appears on line 16.

The CHAIRMAN. On line 16. Thank you.

The amount of \$180 shown opposite my name is incorrect.

Is that true?

(The witness conferred with his counsel.)

Mr. CARROLL. I beg your pardon, Senator, but no amount of money appears on this page beside his name.

The CHAIRMAN. Here is the one.

It is on page 2.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. GRAFF. That figure does appear there.

The CHAIRMAN. The \$180 figure does appear there?

Mr. GRAFF. Yes, sir.

The CHAIRMAN. Do you have your signature on that document right after your typewritten name?

Mr. GRAFF. I refuse to answer the question on the same grounds.

The CHAIRMAN. Look at that affidavit and point out in there what about it is not true.

Mr. GRAFF. I refuse to answer on the same grounds.

The CHAIRMAN. What are you scared of?

(The witness conferred with his counsel.)

The CHAIRMAN. Who are you scared of?

Mr. GRAFF. Giving evidence against myself.

The CHAIRMAN. You weren't scared that day when you gave that affidavit, were you?

Mr. GRAFF. I refuse to answer on the same grounds.

The CHAIRMAN. When did you get scared? Who threatened you?

(The witness conferred with his counsel.)

The CHAIRMAN. Go on, tell us who did it.

Mr. GRAFF. Nobody threatened me.

The CHAIRMAN. When did you get scared?

(The witness conferred with his counsel.)

Mr. GRAFF. I am not scared, and I don't want to give evidence against myself.

The CHAIRMAN. I asked you what you are afraid of, and you said you didn't want "to give evidence against myself." I asked you when did you get scared.

(The witness conferred with his counsel.)

Mr. GRAFF. I am not scared. I just don't want to give evidence against myself.

The CHAIRMAN. Let's listen to a little of it. Maybe I can give you some evidence in your own language, your own words, over your own signature. Follow as I read your affidavit. If I make any mistake, you correct me, will you, in the reading of it?

STATE OF PENNSYLVANIA.

*County of Philadelphia.*

Mr. Henry J. Graff, duly sworn, deposes and states—

are you Henry J. Graff?

Mr. GRAFF. Yes.

The CHAIRMAN. Is that your name?

Mr. GRAFF. Yes

The CHAIRMAN. Are you the person this affidavit is talking about?

Mr. GRAFF. I refuse to answer on the same grounds.

The CHAIRMAN. I see. You got to where you don't want to admit your identity?

(The witness conferred with his counsel.)

The CHAIRMAN. Well, let's read a little further.

I make this statement at the request of Mr. Herbert J. Rose, Jr., known to me to be an investigator for the United States Senate select committee investigating into the improper activities of labor and management. This statement is made of my own free will, without any promise of favor or immunity. I have been informed and realize that this statement may be used and introduced in evidence in a public hearing before the United States Senate select committee investigating the improper activities of labor and management, and swear that the statements contained herein are true.

The CHAIRMAN. Is that your signature?

Mr. GRAFF. I refuse to answer on the same grounds.

The CHAIRMAN. Let's read a little further.

I received only \$100 and not \$180. The figures on the list appear to have been changed from \$100 to \$180. I was paid the amount of \$100 in cash by Al Berman, a member of local 107, in the presence of Raymond Cohen, secretary-treasurer of local 107. The payment was made in the office of Raymond Cohen at 105 Spring Garden Street, Philadelphia. I worked 4 days at the election polls at Second and Cambria Streets, Philadelphia, and was paid at the rate of \$25 a day. I am not certain if the amount of \$100 was included on my 1954 income-tax return.

Is that statement true, that you worked 4 days?

Mr. GRAFF. I refuse to answer on the same grounds.

The CHAIRMAN. You were working in Cohen's election, weren't you?

Mr. GRAFF. I refuse to answer.

The CHAIRMAN. That is what you were paid for, wasn't it?

Mr. GRAFF. I refuse to answer.

The CHAIRMAN. And this money was taken out of union dues to pay you folks to go out and elect Cohen; isn't that correct?

Mr. GRAFF. I refuse to answer the question on the same grounds.

The CHAIRMAN. No money was paid out of union dues for Cohen's opponent in that election, there, was there?

(The witness conferred with his counsel.)

Mr. GRAFF. I don't know.

The CHAIRMAN. Do you know whether you were paid \$100 or not?

Mr. GRAFF. I refuse to answer the question on the same grounds.

The CHAIRMAN. You know, it is a kind of sad state of affairs when you union boys become such captives of racketeers, thugs, and thieves that you are afraid to come in here and tell the truth to protect yourselves against such exploitation. Don't you think it is a pretty sad state of affairs?

(The witness conferred with his counsel.)

The CHAIRMAN. You needn't answer.

I know you are suffering. Proceed.

Mr. KENNEDY. Mr. Chairman, we have some information that a meeting took place of selected members of the union that Mr. Cohen operated, and that Mr. Cohen at that time told those that attended that if any of them came down here and testified against him or gave any evidence to the committee that would be against Mr. Cohen, he would "fix those people."

The CHAIRMAN. Did you attend that meeting?

Mr. GRAFF. No.

The CHAIRMAN. Were you at that meeting?

Mr. KENNEDY. I am not going to give the name of the individual. We have a witness who can testify.

The CHAIRMAN. All right. I am asking him. Were you at that meeting where Mr. Cohen made that statement?

(The witness conferred with his counsel.)

Mr. GRAFF. No. Was I at the meeting?

The CHAIRMAN. Sir?

Mr. GRAFF. Yes.

The CHAIRMAN. Where he made that statement.

Mr. GRAFF. What meeting was this?



The CHAIRMAN. The one where he made the statement that counsel just read, that if any one of you came down here and testified against him——

Mr. GRAFF. We have a meeting every month.

The CHAIRMAN. I don't care whether it is every month or every week, but were you at the meeting where he made that statement?

Mr. KENNEDY. March 16.

The CHAIRMAN. March 16.

Mr. GRAFF. I never heard any statement like that.

The CHAIRMAN. Was that message conveyed to you?

(The witness conferred with his counsel.)

Mr. GRAFF. No.

The CHAIRMAN. Were you at the meeting on March 16?

(The witness conferred with his counsel.)

Mr. GRAFF. Yes.

The CHAIRMAN. Did you hear that statement?

Mr. GRAFF. No.

The CHAIRMAN. Were you there all the time?

Mr. GRAFF. Yes.

The CHAIRMAN. Do you state under oath that statement was not made by Mr. Cohen?

Will you swear to that?

(The witness conferred with his counsel.)

Mr. GRAFF. I never heard it.

The CHAIRMAN. You just didn't hear it.

Are there any other questions?

Mr. KENNEDY. Was there any statement made at that meeting on March 16 by Mr. Cohen that he would get even with any of those who testified against him down here?

(The witness conferred with his counsel.)

Mr. KENNEDY. Just answer it truthfully.

Mr. GRAFF. No.

Mr. KENNEDY. Was there any discussion about anybody coming down here and testifying regarding Mr. Cohen's affairs?

(The witness conferred with his counsel.)

Mr. KENNEDY. You would know the answer to that. All we want is the truth on it.

(The witness conferred with his counsel.)

Mr. KENNEDY. Mr. Carroll, he would know the answer to it. He attended the meeting.

Mr. CARROLL. I am sure he would. But he wants to be advised.

Mr. GRAFF. What was the question?

Mr. KENNEDY. Was there any statement made by Mr. Cohen at this meeting that he would get even or fix or bother any of those individuals who came down and testified regarding him before the committee?

Mr. GRAFF. No.

Mr. KENNEDY. There was nothing said to that effect?

Mr. GRAFF. No.

Mr. KENNEDY. Did Mr. Cohen speak at the meeting?

(The witness conferred with his counsel.)

Mr. GRAFF. Yes.

Mr. KENNEDY. Was there a resolution passed at the meeting authorizing him not to testify before the committee?

(The witness conferred with his counsel.)

Mr. KENNEDY. I just don't understand why if he attended the meeting, Mr. Carroll, why it is necessary for you to advise him on that.

Mr. Chairman, I would like to point out—

The CHAIRMAN. The witness will answer the question. If you want to take the fifth, take it and take it hurriedly. I don't want to spend all day here waiting for you to delay this proceeding.

Mr. CARROLL. Mr. Chairman, we are not delaying. The witness is in some confusion. He thinks he has already answered the question.

The CHAIRMAN. I am sure the witness is in great confusion. There is no doubt about that. The only thing we are trying to do is get the truth. If we get that, there wouldn't be any confusion.

Mr. GRAFF. I don't remember.

The CHAIRMAN. You don't remember.

Mr. KENNEDY. About a resolution that was offered to the membership at Cohen's request, authorizing him not to testify before the committee, not to talk before the committee?

Do you remember any resolution such as that?

(The witness conferred with his counsel.)

Mr. GRAFF. No.

Mr. KENNEDY. I would like to point out, Mr. Chairman, that a number of witnesses that we interviewed originally as to the membership of local 107 talked freely and gave us the information that we wanted. The next time we tried to contact them, including this witness, they had been contacted by Mr. Carroll, or were in touch with Mr. Carroll, and they then refused to talk, and have since, of course, appeared before the committee and have taken the fifth amendment.

Senator KENNEDY. Mr. Chairman.

The CHAIRMAN. Senator Kennedy.

Senator KENNEDY. Mr. Carroll, how long have you been attorney for the union?

Mr. CARROLL. Personally, I have not. Mr. McBride, with whom I was associated, became counsel for the backers of Mr. Cohen and Mr. Cohen himself during or immediately following an election on November 15, 1953, at which Mr. Cohen was elected secretary-treasurer of the union.

I was associated with them at that time. We subsequently formed a firm of which I am a member.

Senator KENNEDY. Were you working on Mr. Cohen's election or was it just Mr. McBride?

Mr. CARROLL. I don't recall that I did much, if anything. I may have been in some discussions about it during that time.

Senator KENNEDY. When did you become attorney for the union?

Mr. CARROLL. Our firm has been counsel for them ever since that time.

Senator KENNEDY. When did you devote a good deal of your time and attention to the particular case? Who is handling the union for your firm?

Mr. CARROLL. Mr. McBride has withdrawn from the firm.

Senator KENNEDY. Now who's doing it?

Mr. CARROLL. In our firm, I would say I have done most of the work recently, together with Mr. Bradley.

Senator KENNEDY. After 1953 and 1954, the period we are talking about now, who was the counsel?

Mr. CARROLL. Counsel for the union itself?

Senator KENNEDY. That is correct.

Mr. CARROLL. William A. Gray.

Senator KENNEDY. Do you make a distinction between the counsel for the union and the work that your firm did?

Mr. CARROLL. Yes. Senator, I think this bears explanation. On the 15th of November 1953, there was an election meeting held. At that meeting, Mr. Cohen was elected secretary-treasurer, properly elected.

Mr. KENNEDY. That is in the manner that was described yesterday.

Mr. CARROLL. I understand it was otherwise.

Mr. KENNEDY. The international, Senator, then put the local in trusteeship because of the way the election had been handled.

Mr. CARROLL. At that time, Mr. Gray represented the interests of one Edward Crumbock, who had been ousted as secretary-treasurer. Mr. McBride represented Mr. Cohen, who had been duly elected. During that time, as Mr. Kennedy has said, there was a trusteeship imposed by Mr. Beck. The trustee conducted the affairs of the union from approximately the end of November 1953 until—well, at least June of 1954, perhaps a little longer. In June of 1954, or May, rather, of 1954, there was a second election conducted and supervised by the International, at which Mr. Cohen again defeated Mr. Crumbock by a vote of approximately 9,000 to 1,000.

Since that time, Mr. McBride and subsequently the firm has continued to represent them.

Senator KENNEDY. You are a member of the firm who has had particular competence over this matter, is that correct?

Mr. CARROLL. Recently that is so, yes.

Senator KENNEDY. Where did you go to law school, Mr. Carroll?

Mr. CARROLL. University of Pennsylvania.

Senator KENNEDY. You have been a lawyer for how long?

Mr. CARROLL. Since 1952.

Senator KENNEDY. When did you agree to represent Mr. Graff?

Mr. CARROLL. I would say within the last month.

Senator KENNEDY. When was your first conversation with him?

Mr. CARROLL. Do you mind if I check with him and see?

Senator KENNEDY. Go right ahead.

(The counsel conferred with the witness.)

Mr. CARROLL. He reminds me it was Thursday, April 3.

Senator KENNEDY. You just came to represent him, is that correct?

Did he call you or did you call him?

Mr. CARROLL. I don't think it was either. I received a phone call from someone at the union asking if I would meet these people.

Senator KENNEDY. Who at the union?

Mr. CARROLL. I couldn't say for sure. It might have been Joe Hartsough or Ed Walker, or anyone of those fellows might have called me, or his business agent. They asked me to meet him and I did meet him that morning at the union hall, I recall.

Senator KENNEDY. Somebody from the union called and asked you to meet Mr. Graff?

Mr. CARROLL. Mr. Graff had gone to them.

Senator KENNEDY. Mr. Graff, how did you get ahold of Mr. Carroll? How did you decide he should represent you?

Mr. GRAFF. I come down on a Thursday morning to get representation down at the customhouse.

Senator KENNEDY. Thursday morning, of last week?

Mr. GRAFF. April 3.

Senator KENNEDY. Who did you get in touch with to have Mr. Carroll as your attorney?

Mr. GRIFF. I came down to the union.

Senator KENNEDY. Down to the union?

Mr. GRAFF. Yes.

Senator KENNEDY. Where?

Mr. GRAFF. 105 Spring Garden Street.

Senator KENNEDY. You came down to the union and wanted an attorney?

Mr. GRAFF. That is right.

Senator KENNEDY. Who did you talk to?

(The witness conferred with his counsel.)

Senator KENNEDY. That is not a legal question. Who did you talk to at the union?

Mr. GRAFF. I talked to Charlie O'Lear.

Senator KENNEDY. Charlie O'Lear. You asked him for an attorney?

Mr. GRAFF. That is right.

Senator KENNEDY. Did anybody discuss the matter with you as to who you should get for an attorney before your conversation with Mr. O'Lear?

Mr. GRAFF. No.

Senator KENNEDY. That was the first time. You went down and said you wanted an attorney?

Mr. GRAFF. That is right.

Senator KENNEDY. Did you tell your attorney that you had given us an affidavit?

(The witness conferred with his counsel.)

The CHAIRMAN. Either take the fifth amendment or answer the question.

Mr. CARROLL. I think we are delving into privileged communications now between attorney and client that I believe to be improper.

Mr. KENNEDY. The witness can answer any questions.

Senator KENNEDY. I have been advised by two counsels here that the question is not a privileged matter between attorney and client.

Mr. CARROLL. Your question was did he tell us about an affidavit.

Senator KENNEDY. That is correct.

Mr. KENNEDY. The privilege goes to the attorney, not to the client.

Senator KENNEDY. He doesn't have to answer it. If he doesn't want to answer it, he doesn't have to.

Mr. CARROLL. He would prefer not to.

Mr. KENNEDY. How does he know?

Mr. GRAFF. I refuse to answer on the same grounds.

The CHAIRMAN. What are you refusing on, the privilege or on the fifth amendment?

Mr. GRAFF. I refuse to answer on the grounds that I might be required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Proceed.

Senator KENNEDY. Mr. Carroll, we are concerned with the question of disposal of \$25,000 of local dues. I understand this matter has

been discussed with you, but it is a matter that I have been interested in for some time, the responsibility of attorneys working for the union, paid by the union, the responsibility to the membership, or to the officers, or to the members under suspicion, who are under charges of having stolen or misappropriated union dues money. I would like to ask you as an attorney where you feel your obligation lies.

Mr. CARROLL. Senator—

Senator KENNEDY. Would you come closer to the microphone?

Mr. CARROLL. All right. I feel this matter very strongly, myself. I have given this considerable thought and so have all of us in the firm, and in our own firm we are not even in agreement on the question. Therefore, when the matter was raised, we put it to the professional guidance committee of the Philadelphia Bar Association, for their guidance. They are the committee of the bar association, officially charged with the duty of advising lawyers on ethical matters such as this.

At that time, Mr. O'Donnell, I believe it was, or Mr. Dunn, one of the assistant counsel for this committee, had told me that this committee intended to prove substantially a charge of larceny against all the officers and business agents of the union, and told me that it was his view, and I think the committee's view, that that gave rise to a conflict of interest on the part of the lawyer representing those people and being paid out of union funds.

We decided right off the bat to take it up with the bar association. My senior partner, Michael von Moschzisker, wrote a memorandum, which I have here, in which he said to the committee on professional guidance—this is a memorandum:

I receive a retainer as counsel for Local 107, Highway Truck Drivers and Helpers Union, International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America. The Select Committee on Improper Activities in the Labor or Management Field of the United States Senate has been conducting an investigation in the field of labor-management relations to determine whether any changes are required in the laws of the United States in order to protect against criminal or other improper practices or activities.

In this connection, my associate, Mr. Carroll, appeared before the said committee on September 26, 1957, as counsel for Raymond Cohen, secretary-treasurer of local 107, who had been subpoenaed to produce various books and records of the union. On October 28, 1957, Mr. Carroll also appeared at a hearing of the said committee as counsel for the same Raymond Cohen, who had been subpoenaed to produce certain of his personal records.

This morning, Robert Dunn, Esq., assistant counsel for the committee, stated to Mr. Carroll that the committee proposes to question officers and business agents of the union about union funds supposedly misappropriated by them. Mr. Dunn asserted to Mr. Carroll that the interests of the union and its members, some of whom have been subpoenaed, conflict with the interests of the officers and business agents and therefore that it would not be right for Mr. Carroll to assist these officers and business agents as counsel before the committee. On the other hand, the officers and business agents all take the view that they pay their dues too and that they have a right to be represented by union counsel.

It seems to Mr. Carroll and me that, in the legal sense, no interest within the meaning of canon 6 is involved at this time. No one is litigating anything. There is no case of controversy in existence. Neither the union nor its officers and business agents are parties to any proceeding before the committee. They are nothing more than potential witnesses in a legislative investigation before a committee which has no power to render a verdict or judgment for or against the union, its members, or its officers and business agents.

As you gentlemen are no doubt aware, the function of counsel in proceedings such as this is extremely limited. It consists merely in advising the witness as



to whether he has the right to invoke certain testimonial privileges. Counsel does not invoke any such privileges on behalf of the witness, nor does counsel ask questions or address arguments to the committee.

As I said to you over the telephone today, I will be very glad to have the guidance of your committee in answering the following questions:

Is there a conflict of interests such that if Mr. Carroll appears before the committee as counsel for the members of the union who are officers and business agents, he may not also represent the union itself and other members of the union when they appear before the committee?

Is there a conflict between the union and its ordinary membership on the one hand and those members of the union who are officers or business agents on the other hand such that Mr. Carroll should not appear before the committee as counsel for the officers and business agents?

In the event no such conflict is found to exist, that would seem to end the problem. But if the committee finds that this is a conflict-of-interests situation and if the witnesses still wish to be represented by counsel for the union, this would still seem to be possible under canon 6 if the consent of all parties is given after full disclosure of the facts. Bearing in mind that this is a union having upward of 14,000 members, we should also like your advice as to the manner in which such disclosure could be made and consent expressed, in the event you find there is a conflict of interests.

The committee held its meeting, and in due course wrote an opinion, which is as follows:

The question presented for our opinion is whether counsel for a labor union may, consistent with the prohibition against representation of conflicting interests provided by canon 6 of the Canons of Professional Ethics, represent the members, officers, and business agents of such a union, called as witnesses before a committee of the United States Senate investigating improper activities in the labor and management field, where counsel has been advised by counsel for said committee that the committee proposed to prove in such hearings that all the officers and business agents of the union have been guilty of defalcations regarding the union's funds.

In order to decide this question, three important considerations must first be noted:

(1) the power of the congressional committee involved is to make investigations; to collect information to assist Congress in its consideration of proposed legislation on the subjects investigated. The committee has no prosecuting or adjudicating function whatever.

(2) Certain members, officers, and business agents of the union appear before the committee solely as witnesses.

(3) The function of counsel representing witnesses before such a committee is restricted to advising the witness whether he has, in the circumstances, certain recognized privileges regarding testifying. Counsel may not address the committee, nor may he claim a privilege on his client's behalf; such privileges, being personal to the witness, must be claimed by him.

Canon 6, which governs our decision, speaks in terms of "interest" in a "controversy." It appears to us that, as between the union and its rank-and-file members on the one hand, and its officers and business agents on the other, there is no existing controversy within the meaning of canon 6. Further it appears that the interest of the parties seeking to be represented by counsel for the union, as well as the interest of the union itself, is merely the interest of witnesses, in respect to their legal rights before the congressional committee.

For these reasons we believe there is now no conflict of interests existing among the union, its members, and its officers. Counsel for the union, may, therefore, consistently with canon 6, represent all such parties before the congressional committee.

Senator KENNEDY. Can you tell me who signed that or who was on the committee?

Mr. CARROLL. It is signed by R. K. Denworth, from the Drinker, Biddle & Reath office.

The members of the committee who were present at the meeting, as I recall it, were Robert T. McCracken, of the firm of Montgomery, McCracken, Walker & Rhoads; Walter Alessandroni, the chancellor

of the Philadelphia Bar Association; former Judge Nochem Winnet, of the Philadelphia municipal court, now practicing in Philadelphia. I think the junior bar representative on the committee is Leonard Barken, who was present.

Senator KENNEDY. I imagine you can furnish me a list of those names afterward.

Did Mr. Denworth have some special position in the bar committee?

Mr. CARROLL. He is vice chairman of this committee. I don't know what other committees he is on.

Senator KENNEDY. Mr. Carroll, I think that was a wise procedure for you to adopt in going to them. Personally, it is my judgment that they should review this matter again after examining the record of the entire hearing. We have a case here where every officer that has been interrogated, to the best of my knowledge, has taken the fifth amendment as to the disposal of \$25,000 of union dues. In my opinion, I think the matter of conflict of interest should be reexamined.

That is No. 1. No. 2, we have a situation here which is a very critical one, and Mr. Graff having given an affidavit to which he swore 2 or 3 weeks ago coming before the committee now, taking the fifth amendment, refusing to testify in any way as to whether he filled out that affidavit or not.

You are the attorney in this situation. You have been tied up very intimately with a union, all the officers of which take the fifth amendment on a matter involving \$25,000. I think there is a conflict of interest, first. I think that the bar association and those who advised you, I hope, will look over the testimony before this committee, because I would not think that they would want to let their endorsement of what has happened stand without bringing it under review.

This matter is an important matter, and it is going to come up. It has come up before and should come up again, the responsibility of a lawyer, with the ethical practices of the bar, toward a union, and toward the membership of the union, when the officers are under interrogation as to how they have disposed of that money and who take the fifth amendment.

It also brings to mind, it seems to me very clearly, your responsibility. You are now aware of the fact that \$25,000 of the union's dues, it seems to me, have either been misappropriated or we have to go to the conclusion that they were stolen because we can't get an explanation.

Therefore, it seems to me that you also come into this as to what your responsibilities are in this situation. I think this is a matter that I hope the bar will reexamine in order to give very clear guidance to attorneys in the future.

I think that based on what I have heard, particularly in this last situation, where a man comes before us 2 or 3 weeks after he fills out an affidavit and refuses to give us any information about the very affidavit, and you are his attorney, it seems to me it raises a question of propriety, certainly of his action, and your action.

Mr. CARROLL. You noticed the last line of the affidavit, didn't you, Senator?

Senator KENNEDY. I would be glad to look at it again.

Yes.

I worked 4 days with the election—

Mr. CARROLL. Pardon me. The last line of the first page.

Senator KENNEDY (reading) :

Payment was made in the office of Raymond Cohen—

Mr. CARROLL. Now I am instructed it is the last one.

Senator KENNEDY (reading) :

I am not certain that the amount of \$100 was included in my 1954 income-tax return?

Mr. CARROLL. Yes. I think that makes clear the basis on which the man has the right to plead his privilege. It is that consideration, only his right in the circumstances which is the basis for my advice.

Senator KENNEDY. But this is already part of the record.

Mr. CARROLL. I understand.

Senator KENNEDY. If he has made a mistake, or if he has failed to report that, it is already part of the record.

What we want to ask him about is the \$80.

Mr. CARROLL. I think, Senator, if I may reply to both questions, first of all as far as the bar association committee is concerned, as you can see from that much of their opinion which I read to you, we fully apprised them of the committee's intended proof.

They considered that seriously, and suggested that indeed there might develop some concrete evidence which would place use in a different position.

In their opinion they went on, in making the decision, to add this, which I think indicates their view of what you have suggested.

They add.

In performance of our duties as the committee on professional guidance, we feel obliged to add the following caution to counsel :

Adverse influences and conflicting interests in violation of canon 6, may occur in situations other than controversies and litigation.

Then they quote :

In observing the admonition of canon 6 to avoid the representation of conflicting interests, the lawyer must have in mind not only the avoidance of a relation which will obviously and presently involve the duty to contend for one client what his duty to the other presently requires him to oppose, but also the probability or possibility that such a situation will develop.

Senator KENNEDY. I think that you did the right thing in going to the bar in Philadelphia for guidance. I would hope that in all of these cases that other lawyers would do the same.

I would be hopeful that they would look over the testimony in order to be able to in the future give guidance to other attorneys.

I would hope, also, that you, now that you are apprised of the facts which you may not have been aware of, involving this \$25,000, would also consider when this matter has been disposed of before the committee, and you have an obligation to your clients now, that you will consider your own position in relation to officers who have been callous, it seems to me, based on the experience we have been looking at, in their disregard of the members.

They are the ones whom you are representing, and you are being paid by union dues. So I think your own position is a matter that should be reconsidered at the end of this hearing, too.

Mr. CARROLL. Yes, sir, but you must realize that in my position I must consider on the basis of information I possess, and not on the basis of refusals to answer questions before this committee.

Senator KENNEDY. I am hopeful, Mr. Carroll, that your information will be broadened and extended in scope as a result of the hearing, and therefore you will become concerned, as I hope any attorney would.

After all, you have not taken the \$25,000, so now you are aware of the fact that we have a situation where \$25,000 of union dues is missing, and it seems to me as an attorney for the union members whose dues are involved, that you must consider quite carefully, I would think, your own position in the matter.

Mr. CARROLL. I think you have to keep in mind what Mr. Battisfore previously stated, that the officers of this union are not only willing to but already have made their explanations to their membership whose money it is.

Senator KENNEDY. Now, Mr. Carroll—

Mr. CARROLL. They have no fifth amendment rights with respect to the members.

Senator KENNEDY. That is really an extraordinary statement, that you feel that they explained it to the members and will not explain it to the United States Senate under oath.

That is an extraordinary position, and are you defending that procedure?

Mr. CARROLL. That is the feeling that Mr. Battisfore expressed. I understand that that is probably the position of most of these people, that they feel an obligation to explain to the members.

Senator KENNEDY. You don't feel they have any obligation to explain it to a United States Senate committee?

Mr. CARROLL. My position is quite different.

Senator KENNEDY. You put that forward with an approval.

Mr. CARROLL. I say this, that they have a very definite feeling that this committee is not friendly to them, and for that reason their feelings of hostility have led them to this.

Senator KENNEDY. That is not conflict, Mr. Carroll, between 2 groups, 1 friendly and 1 unfriendly. This is a Senate committee. It represents the United States Senate and the Congress, Mr. Carroll, and you cannot justify in any way that they can make a statement to the union members not under oath, and then come down here and, because they do not think the committee is friendly, take the fifth amendment.

That is not sufficient ground to take the fifth amendment. Only if they are going to be incriminated can they take it.

Mr. CARROLL. That, of course, is not their ground for pleading the fifth amendment, and I only say that that motivates their use of the fifth amendment.

Senator KENNEDY. That is extraordinary, and I think, Mr. Chairman, it seems to me that this question of whether the committee might be friendly or unfriendly to these particular members is not any grounds for taking the fifth amendment.

If that is produced in any way, it seems to me the question of their being subject to contempt should come forward.



That has nothing to do with the matter. They can take the fifth amendment only if it is going to incriminate them.

Mr. CARROLL. I think we would understand one another on that, Senator, that they take the fifth amendment—

Senator KENNEDY. So I understand you in that matter, why are they taking the fifth amendment? Is it because they disapprove of the committee, because they feel the committee is inimical to them, or because they feel it may incriminate them?

Mr. CARROLL. There is a large difference between the grounds on which you have a right to exercise your fifth amendment privilege and the motivation for doing it.

I suggest to you that those two things are entirely separate. What I was talking about was motivation rather than existing grounds.

Senator KENNEDY. Let me ask you something, Mr. Carroll. Are you advising them in any way to take the fifth amendment because of a question of motivation, because they may not like the looks of the committee or the members of the committee, or are you advising them because of your knowledge of the case, that they could incriminate themselves? What is it?

Mr. CARROLL. First of all, I don't advise them to do it or not to do it. I can't do that. I have not, and I will not do it. I advise them in respect to each question that is asked, and prior discussions as to potential questions; that is, whether or not a truthful answer would provide evidence of some offense against them.

On that basis, I tell them whether or not, as to any question, they can exercise their fifth amendment privilege. The decision whether to do it and their reasons for wanting to do it are within their own minds entirely.

Senator KENNEDY. That is fine. I just want to get your own position clear on it, because, as I say, I think that now that this matter has been brought to your attention, I would think, in order to maintain your own position in the bar as a responsible attorney, you would have to review your own position when this particular investigation may be finished.

Thank you.

The CHAIRMAN. The Chair will make this observation, and I do not want to belabor this thing: In my view there can be no moral or legal justification for taking union dues money to defend officers of the union who misappropriate money belonging to the union members.

There is no moral standard on earth that is recognized by civilization, and by any canon of ethics that would tolerate such activity or such acts.

It would be like a case of a bank down here, where a banker steals \$100,000 or \$25,000, and then the bank pays his attorney to defend him on a charge. There is not a bit of difference on earth in the principle, and there is no one that can justify either the legality or morality of such action.

Senator KENNEDY. I have one more question.

Mr. Carroll, if you became convinced that \$25,000 had been misappropriated as a result of this hearing or any other information brought to your attention, what do you conceive your legal obligations to be and your ethical obligations to the union membership?

Do you feel that you should disclose it to the union membership?



Mr. CARROLL. Senator, that question, I must say, is unresolved in my own mind. However, it was discussed with the committee on professional guidance, and I will now read you the very last paragraph.

Senator KENNEDY. Have you read it once?

Mr. CARROLL. No.

Senator KENNEDY. All right.

Mr. CARROLL (reading):

While the attorney at this state of the proceedings is free to, and indeed must, presume his clients innocent, recent experience indicates that evidence before the committee may show improper actions on the part of the officers of a union.

Such evidence may give rise to an actual conflict of interests between the union and its officers. In such event, if counsel have received confidential disclosures from the officers relating to their alleged misconduct, counsel would not be free to continue to represent parties on both sides of such an actual conflict and would then be obliged to make an election between them.

Should this situation come to pass, it is the opinion of this committee that counsel would be obliged to forgo representation of the union, while they might properly continue to represent its officers.

Senator KENNEDY. Now, that is a very important paragraph. Can you hand up a copy of that?

Do you feel the situation described there has come about?

Mr. CARROLL. No, sir.

(A document was handed to Senator Kennedy.)

Senator KENNEDY. This matter has been of some interest to me, Mr. Chairman.

This is the last paragraph:

While the attorney at this stage of the proceedings is free to, and indeed must, presume his clients innocent \* \* \*. Such evidence \* \* \*.

And then it says—

recent experience indicates that evidence before the committee may show improper actions on the part of the union.

Such evidence may give rise to an actual conflict of interests between the union and its officers. In such event, if counsel have received confidential disclosures from the officers relating to their alleged misconduct, counsel would not be free to continue to represent both parties.

Your point is that you have not received confidential disclosures from any of the officers; is that correct?

Mr. CARROLL. None of the circumstances, in my judgment, Senator, described in that paragraph, on which we would be obliged to make the election, have come to pass.

Senator KENNEDY. The reason I think it has not come to pass is because it states that the conflict of interest would come about only if you received confidential disclosures from the officers relating to their alleged misconduct.

In other words, Mr. Denworth—

Mr. CARROLL. That certainly has not happened.

Senator KENNEDY. In other words, Mr. Denworth and this group do not feel that a conflict of interest arises in any case, I would gather from the way they describe it, except when you have received confidential information. Now, the question I have relates to when the information becomes a matter of public record.

Even though you have an obligation to your clients in this case, it seems to me that Mr. Denworth and his group should consider this

question which I think is arising now, when the matter becomes a matter of public record, and not the question of confidential disclosures, which I would think rarely if ever would happen.

When this becomes a matter of public record of a misappropriation or stealing of \$25,000, which is what I think we have in this case, it seems to me that the counsel then who is a competent and responsible individual, and is assumed to be if he is a member of the bar, should be able to make a judgment then that the people he is representing are people who either took money or misappropriated it from the members of the union who are paying his salary.

Now, you are not representing these people, and it seems to me, Mr. Carroll, that it would be proper for you, when this information becomes such information that an ordinary individual could make an assessment of it, that you should then represent them and have them pay you and not be paid by the union. That is my point.

Mr. CARROLL. What you are saying is that quite apart from confidential disclosure, if the public evidence overcomes the presumption of innocence on that score, then the same situation would result. I agree.

Senator KENNEDY. In your opinion, I may ask you, and you don't have to answer, but in your opinion so far does the presumption of innocence still stand, even though in every case they have taken the fifth amendment?

Mr. CARROLL. That is quite correct.

Mr. KENNEDY. And we have had testimony regarding alterations in the amounts of money received, that is true even where there are forgeries?

Mr. CARROLL. Whether they may be characterized as forgeries, I don't know but I can argue with you about the evidence.

Senator KENNEDY. It was the FBI lab report which shows the forgeries, and it wasn't this committee's staff.

Mr. CARROLL. The FBI expert testified as to the alterations in figures, as I recall.

Mr. KENNEDY. And to forgeries?

Mr. CARROLL. You mean on checks to Dave Canter and Mr. Katz?

Mr. KENNEDY. Yes.

Mr. CARROLL. I am fully aware of that.

Mr. KENNEDY. Would you give us the explanation on the alterations in the figures?

Mr. CARROLL. That is information which I have received in the course of my representation, and I am not free to disclose it.

Senator KENNEDY. It is not the kind of information, or it is not a confidential disclosure of the kind Mr. Denworth has talked about?

Mr. CARROLL. No, because it is not a disclosure of the type that would lead to a conflict.

Mr. KENNEDY. When we ask the people about these alterations, they refused to answer the questions on the ground that a truthful answer might tend to incriminate them. If they are telling the truth, they have some incriminating background or some information that would incriminate them.

Mr. CARROLL. Mr. Kennedy, you apparently have a different view about the fifth amendment than mine. Innocent men have as much right to plead the fifth amendment as people who are guilty. There is some evidence against the innocent.

Senator KENNEDY. I will say, however, it is my experience, Mr. Carroll, that while that is certainly true that they have that right, never have we had a case where every officer involved, and every witness takes the fifth amendment. I think that if you went ahead and presumed that all of them are innocent, I think that that would be a presumption which would strain my credulity, if not your own.

Mr. CARROLL. It may be depending upon what future evidence develops.

Senator KENNEDY. As I say, I hope Mr. Denworth and his group, and I have a high regard for the group, I hope they will go into this. It seems to me that there would be nothing improper about you representing them if they paid your fee, and the question is whether the union should pay you or they should pay you. My own feeling is that they should pay you where you have a case involving so much money and so many officers and a case of fifth amendment, instead of everything the union members pay you, and that I am very convinced about.

I am hopeful that the Bar Association of Philadelphia will examine this and other matters that have come before our committee for a year, because the State bar associations, as you know, have not moved with very much vigor in this area to clarify the responsibility of attorneys.

I am glad that you went to them in the first place, and I am hopeful that they will look the matter over again, and you will, also.

Mr. CARROLL. Yes, sir.

Mr. KENNEDY. That is all for Mr. Graff.

The CHAIRMAN. All right, Mr. Graff, you may be excused.

Call the next witness.

Mr. KENNEDY. Mr. Paul Hegh.

The CHAIRMAN. Do you solemnly swear that the evidence, given before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HEGH. I do.

#### TESTIMONY OF PAUL HEGH, ACCOMPANIED BY JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ, COUNSEL

The CHAIRMAN. State your name, and your place of residence, and your business or occupation.

Mr. CARROLL. May I remind you, in case you have forgotten from last week, this gentleman is hard of hearing.

The CHAIRMAN. Can you hear me?

Mr. HEGH. Sir?

The CHAIRMAN. Can you hear me now?

Mr. HEGH. Yes, sir.

The CHAIRMAN. State your name, and your place of residence, and your business or occupation.

Mr. HEGH. Paul Hegh, 5018 Tulip Street, Philadelphia, truckdriver.

The CHAIRMAN. Thank you very much.

All right, Mr. Kennedy, proceed.

Mr. KENNEDY. Mr. Hegh, you have been in local 107 for how long?

Mr. HEGH. Approximately 10 to 12 years.

Mr. KENNEDY. Did you support Mr. Cohen in his campaign for election as secretary-treasurer?

(Witness conferred with his counsel.)

Mr. HEGH. I refuse to answer the question on the grounds that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Since you supported Mr. Cohen in his campaign for secretary-treasurer, have you received cash from local 107?

Mr. HEGH. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Now, your name appears on this list as receiving some cash from local 107.

Mr. CARROLL. Have we lost a quorum?

Mr. KENNEDY. Did you receive any of that money?

Senator KENNEDY. Senator McClellan will be right back.

Mr. KENNEDY. He is here. Go ahead and answer the question.

Mr. CARROLL. Would you repeat the question?

Senator KENNEDY. While you are waiting, do you have the whole memorandum from Mr. Denworth? I want to put it in the record.

Mr. CARROLL. I handed you the entire thing, and I handed the stenographer the memorandum which we sent to them.

Senator KENNEDY. Without objection, that will be made an exhibit, exhibit 9.

(Document referred to was marked "Exhibit No. 9" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Did you receive this \$200 from this list in 1954? Did you receive the \$200?

(Witness conferred with his counsel.)

Mr. HEGH. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. You were interviewed by a member of the staff of the committee and you said you did not receive that money, isn't that correct?

(Witness conferred with his counsel.)

Mr. HEGH. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you in fact receive any of this \$200?

Mr. HEGH. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

(At this point, the following members were present: Senators McClellan and Kennedy.)

Mr. KENNEDY. Why did you tell the staff investigator that you had received none of the money and now refuse to answer any questions about it?

Mr. HEGH. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Is it because of Mr. Raymond Cohen?

(The witness conferred with his counsel.)

Mr. HEGH. It is not because of Cohen or anyone.

Mr. KENNEDY. Why are you changing your testimony, your statement?



(The witness conferred with his counsel.)

Mr. HEGH. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. How did you happen to retain Mr. Carroll as your attorney?

(The witness conferred with his counsel.)

Mr. HEGH. Through meeting him at the union.

Mr. KENNEDY. Did you call him up?

Mr. HEGH. I don't remember whether I called him myself or not. I have talked to him quite a few times.

Mr. KENNEDY. When did you first talk to him about this matter?

Mr. HEGH. That I don't remember.

Mr. KENNEDY. At the union headquarters?

(The witness conferred with his counsel.)

Mr. HEGH. I forget.

Mr. KENNEDY. You don't remember?

Mr. CARROLL. So do I, frankly.

Mr. KENNEDY. You are down here on another list as receiving money. Did you receive the rest of this money from the union?

Mr. HEGH. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. That is all.

The CHAIRMAN. Do you regard anything you did in connection with this money as being dishonest?

Mr. HEGH. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Are you an honest man?

Mr. HEGH. Yes, sir

The CHAIRMAN. Will you tell us now whether you received the money or not?

Mr. HEGH. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Do you honestly believe that if you gave a truthful answer you would be giving evidence against yourself?

Mr. HEGH. I refuse to answer the question on the grounds that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Do you honestly believe that if you gave a truthful answer to the question regarding the money, that you would be giving evidence against yourself?

Mr. HEGH. There might be some evidence against me.

The CHAIRMAN. If you did nothing wrong, how could it be evidence against you?

Mr. HEGH. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Don't you really think you would be giving evidence for yourself, if there is nothing wrong about it, not against yourself?

Mr. HEGH. I stated my reason.

The CHAIRMAN. Any other questions?

Mr. KENNEDY. That is all.



The CHAIRMAN. The committee will stand in recess until 2 o'clock.

(Whereupon, at 12:03 p. m., a recess was taken until 2 p. m. of the same day, with the following members present at the taking of the recess: Senators McClellan and Kennedy.)

#### AFTERNOON SESSION

(At the reconvening of the committee, the following members were present: Senators McClellan and Ervin.)

The CHAIRMAN. The committee will come to order.

Charles O'Lear, come forward. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. O'LEAR. I do.

#### TESTIMONY OF CHARLES O'LEAR, ACCOMPANIED BY HIS COUNSEL, JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. O'LEAR. My name is Charles O'Lear. I live at 9975 Wisteria Street, Philadelphia. I am business agent for local 107.

The CHAIRMAN. You are what in 107?

Mr. O'LEAR. A business agent in 107.

The CHAIRMAN. All right, Mr. Counsel.

Mr. KENNEDY. How long have you been a business agent, Mr. O'Lear?

Mr. O'LEAR. Approximately 3½ years.

Mr. KENNEDY. You were appointed by Mr. Cohen?

Mr. O'LEAR. I was.

Mr. KENNEDY. Prior to that time, the business agents were elected by local 107?

Mr. O'LEAR. I was a truck driver prior to that.

Mr. KENNEDY. Were the business agents elected by 107 prior to the time of your appointment?

(The witness conferred with his counsel.)

Mr. O'LEAR. Not that I know of.

Mr. KENNEDY. Were any of the business agents elected prior to 1954, when Mr. Cohen became secretary-treasurer?

Mr. O'LEAR. I couldn't say for sure.

Mr. KENNEDY. Do you know about the business agent that represented you at that time in Philadelphia?

Mr. O'LEAR. Yes, sir; I do.

Mr. KENNEDY. What?

Mr. O'LEAR. Yes; I do.

Mr. KENNEDY. Was he elected or appointed?

Mr. O'LEAR. I believe he was elected.

Mr. KENNEDY. Then how was the system changed to appoint the business agents rather than elect them?

Mr. O'LEAR. That is something I couldn't answer.

Mr. KENNEDY. Did you support Mr. Cohen in his election?

(The witness conferred with his counsel.)

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. Just a moment.

Would you consider it a reflection upon you if you did support him?  
(The witness conferred with his counsel.)

Mr. O'LEAR. To answer that question might provide some evidence against me.

The CHAIRMAN. You are very apprehensive that you might say something that would be self-incriminating?

(The witness conferred with his counsel.)

Mr. O'LEAR. I don't want to say anything that might be evidence against me.

The CHAIRMAN. Would you like to say something that would be evidence for you?

(The witness conferred with his counsel.)

Mr. O'LEAR. I don't care to answer the question.

The CHAIRMAN. Can you say anything that would be evidence for you?

(The witness conferred with his counsel.)

Mr. O'LEAR. Certainly, I could.

The CHAIRMAN. Will you?

(The witness conferred with his counsel.)

Mr. O'LEAR. I think if you would just ask me the questions, probably I can answer them.

The CHAIRMAN. Yes, sir. Did you support Mr. Cohen in his election?

Mr. O'LEAR. I am advised that I have the right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. Do you honestly believe that if you answered that question, you would be giving evidence against yourself?

(The witness conferred with his counsel.)

Mr. O'LEAR. I might.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Did you receive any funds in cash from Mr. Cohen since you supported him for his election in 1954?

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. Did you receive any union funds for supporting Mr. Cohen?

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. I would like to ask you some questions about some union funds. I would like to ask you whether you are paying the attorneys that are with you?

Mr. O'LEAR. The union is paying the attorney.

Mr. KENNEDY. Those attorneys are being paid out of union funds; is that right? Is that correct?

Mr. O'LEAR. That is right.

Mr. KENNEDY. Have you received in cash from Mr. Cohen any moneys since May of 1954?

Mr. O'LEAR. I am advised I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. Mr. Chairman, we have found Mr. O'LEAR's name on this list that was examined by the FBI, and found that the sum of money opposite his name on page 3, line 15, was changed from \$150 to \$600.

The CHAIRMAN. I will ask the clerk to present to the witness the exhibit containing the information that counsel has just referred to.

(The document was handed to the witness.)

The CHAIRMAN. The witness will examine the document.

(The witness conferred with his counsel.)

The CHAIRMAN. That is exhibit No. 5.

Do you find your name typewritten on that document?

Mr. O'LEAR. I have examined it.

The CHAIRMAN. Do you find your name typewritten on the document?

Mr. O'LEAR. Yes.

The CHAIRMAN. You can answer that "Yes" or "No." It is right before your nose.

Mr. CARROLL. He did, sir.

Mr. O'LEAR. I did say yes.

The CHAIRMAN. Thank you very much. Is that your signature that appears immediately after your name?

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. You don't want to acknowledge your own signature?

(The witness conferred with his counsel.)

Mr. O'LEAR. I refuse to answer.

The CHAIRMAN. Is it embarrassing to you now?

(The witness conferred with his counsel.)

Mr. O'LEAR. I refuse to answer the question.

The CHAIRMAN. I order and direct you to answer it.

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. Did you get that money?

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. It was raised from \$150 to \$600, Mr. Chairman.

The CHAIRMAN. That would be \$450 increase. Did you get the \$150 or the \$600?

Mr. O'LEAR. I refuse to answer that question on the same grounds.

The CHAIRMAN. Do you think the union members, who that money belonged to, had no right to inquire of you whether you got the \$150 or the \$450, sir?

(The witness conferred with his counsel.)

Mr. O'LEAR. I think this is a question that the union members have a right to inquire.

The CHAIRMAN. I think it is also a question that Congress has a right to inquire into so we will know how to legislate, how to pass legislation to prohibit crooks from robbing union members; don't you?

(The witness conferred with his counsel.)

Mr. O'LEAR. The Congress has a right to ask, but I also have a constitutional right not to answer.

The CHAIRMAN. You have a constitutional right not to help your country to get information upon which to predicate legislation that will keep crooks from stealing from honest working people?

(The witness conferred with his counsel.)

Mr. O'LEAR. I have explained my position.

The CHAIRMAN. And that is your position?

Mr. O'LEAR. That is right.

The CHAIRMAN. Did you raise those figures?

Mr. O'LEAR. I am advised I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. If you got that \$450, do you regard yourself as having stolen it?

(The witness conferred with his counsel.)

Mr. O'LEAR. I am advised I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. Do you think if you answered that question truthfully, that it might give evidence against you, might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. O'LEAR. It might be.

The CHAIRMAN. I agree with you.

Proceed.

Mr. KENNEDY. Do you know Raymond Cohen?

Mr. O'LEAR. Certainly, I do.

Mr. KENNEDY. How long have you known him?

Mr. O'LEAR. For about 15 or 20 years.

Mr. KENNEDY. Did you discuss your testimony before the committee with Mr. Raymond Cohen?

(The witness conferred with his counsel.)

Mr. O'LEAR. Yes; I did.

Mr. KENNEDY. Did you discuss these sums of money that are involved in this document where you are listed as having received \$600?

(The witness conferred with his counsel.)

Mr. O'LEAR. I beg your pardon.

(The witness conferred with his counsel.)

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. Did he suggest that you take the fifth amendment on this matter?

(The witness conferred with his counsel.)

Mr. KENNEDY. Mr. Chairman, I would think that the witness could answer that question.

The CHAIRMAN. The witness can answer it.

Mr. CARROLL. He can answer it. Would you repeat it for him?

The CHAIRMAN. Did he suggest that you take the fifth amendment when you came down here on these questions?

Mr. O'LEAR. Do you mean Mr. Cohen?

The CHAIRMAN. Yes.

Mr. KENNEDY. Why do you have to turn to your attorney to find out whether he suggested that?

(The witness conferred with his counsel.)

The CHAIRMAN. The Chair is going to order you to answer one way or the other now.

Mr. O'LEAR. No; we did not.

Mr. KENNEDY. Did you have any discussion about taking the fifth amendment?

(The witness conferred with his counsel.)

Mr. O'LEAR. Yes; we did.

Mr. KENNEDY. And did you indicate to him at that time or did you discuss at that time the makeup of this list, and the fact that the sum of money had been raised from \$150 to \$600?

Mr. O'LEAR. I refuse to answer that question on the grounds that it might be held against me.

Mr. KENNEDY. Did you discuss what your answer would be when you were asked that by the committee?

Mr. O'LEAR. The same answer on that.

Mr. KENNEDY. Do you feel that the union members would be interested in having you answer these questions before the committee, as a business agent of that local?

(The witness conferred with his counsel.)

Mr. O'LEAR. I think that would be up to the membership in general to ask me that question.

Mr. KENNEDY. Don't you feel that they are entitled to have you answer those questions under oath before the committee regarding the use of union funds?

(The witness conferred with his counsel.)

Mr. CARROLL. Do I understand that the question is the members' feeling about his answers before the committee?

Mr. KENNEDY. I said does he not think that the membership is entitled to have him answer under oath these questions regarding the misuse of union funds.

(The witness conferred with his counsel.)

Mr. O'LEAR. In answer to that question, Senator, I think that it would be up to the membership as a whole to ask me those questions.

Mr. KENNEDY. Don't you think that they are entitled now, when you appear before this committee as an officer of that local, that they are entitled to have you answer the questions that are put to you by this committee about the use of their money?

(The witness conferred with his counsel.)

Mr. O'LEAR. I don't know that answer.

Mr. KENNEDY. You don't know whether they are entitled to that or not?

(The witness conferred with his counsel.)

The CHAIRMAN. The Chair is going to give you one more warning. I am not going to tolerate these long, lengthy conferences after each question. You can either tell them to take the fifth amendment or tell them to answer.

Mr. CARROLL. If it were that easy, it would not take as long.

The CHAIRMAN. I am not going to sit here all afternoon and wait on conferences.

Mr. CARROLL. Could we have the question again, please?

The CHAIRMAN. Ask the question again. Read the question.

(The pending question, as requested, was read by the reporter.)

The CHAIRMAN. Let us have your answer.

Mr. O'LEAR. I don't think so.

Mr. KENNEDY. You do not think that they are entitled to have you answer these questions?

(Witness conferred with his counsel.)

Mr. O'LEAR. I think it is all right to answer the general membership, in general, for any actions.



Mr. KENNEDY. As a Teamster official, do you feel that the membership is entitled to have you answer the questions before this committee regarding the use of union funds?

(Witness conferred with his counsel.)

Mr. KENNEDY. He can answer that question. That is not a legal question, Mr. Attorney.

Mr. CARROLL. I agree it is not a legal question.

(Witness conferred with his counsel.)

The CHAIRMAN. I am going to order you to answer and to answer promptly.

(Witness conferred with his counsel.)

Mr. O'LEAR. I will answer to the membership.

Mr. KENNEDY. Now, answer the question, please.

Do you feel, as a Teamster official, that the membership is entitled to hear from you, to have you answer the questions before this committee on the use of union funds?

Mr. O'LEAR. No.

Mr. KENNEDY. You do not feel that the membership is entitled to that?

Mr. O'LEAR. I do not.

Senator ERVIN. I would like to ask you this question: Don't you feel that when a man assumes an office in the union like you have assumed it, don't you think the members of your union have a right to expect their officers to demean themselves in such an honest and legal way that they will not find it necessary to invoke the fifth amendment when they are called on to give an account of their official action?

(Witness conferred with his counsel.)

Mr. O'LEAR. We account to the general membership for all of our actions.

Senator ERVIN. Don't you think that the members of the unions have a right to expect their officers to so conduct their official duties as officers of the union that they will not feel it necessary to invoke the fifth amendment when they are called upon to answer questions put to them by the representatives of the American Congress?

Mr. O'LEAR. I don't feel that way at all.

Senator ERVIN. That is all.

The CHAIRMAN. All right, Mr. Kennedy.

Mr. KENNEDY. Do you know Mr. Benjamin Lapensohn?

Mr. O'LEAR. I am advised I have a right not to be a witness against myself, under the fifth amendment, and I exercise that right.

Mr. KENNEDY. Have you received money from Benjamin Lapensohn?

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself, under the fifth amendment, and I exercise that right.

Mr. KENNEDY. For what reason, as a business agent of the local, would you be receiving money from Benjamin Lapensohn?

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself, under the fifth amendment, and I exercise that right.

Mr. KENNEDY. Here are three checks, Mr. Chairman.

The CHAIRMAN. I present to you 3 checks payable to you in the amount of \$400, \$400, and \$100, given by Benjamin Lapensohn. One is dated March 27, 1956, and one is December 6, 1955, and one is September 30, I believe it is, 1956. I ask you to examine these photostatic copies of the checks and state if you identify them.

(Documents were handed to the witness.)

(Witness conferred with his counsel.)

Mr. O'LEAR. I have examined them.

The CHAIRMAN. Do you identify the checks?

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself, under the fifth amendment, and I exercise that right.

The CHAIRMAN. Let the checks be made exhibits Nos. 10 A, B, and C.

(Documents referred to were marked exhibits Nos. 10, A, B and C and will be found in the appendix on pp. 10808-10810.)

The CHAIRMAN. Let me have those checks a moment, please.

Look at the endorsement on the back of them before they are returned to me.

(The witness examined the documents.)

Mr. CARROLL. I think the record should show that one of the three bears no endorsement.

The CHAIRMAN. All right, they will speak for themselves.

(Witness conferred with his counsel.)

The CHAIRMAN. Let me have that check, please.

I notice on this check I have in my hand, dated December 6, 1955, an endorsement on the back of it, "Charles O'Learn." Is that your signature?

(Witness conferred with his counsel.)

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself, under the fifth amendment, and I exercise that right.

The CHAIRMAN. I observe the same thing with reference to the check in the amount of \$100 dated September 30, apparently 1956. Is that your signature?

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

The CHAIRMAN. Do you think that it might incriminate you if you admitted the truthfulness of your signature, your endorsement on these checks?

Mr. O'LEAR. There might be some evidence.

The CHAIRMAN. You have some serious apprehensions about it, I assume.

(Witness conferred with his counsel.)

Mr. O'LEAR. There might be some evidence against me.

The CHAIRMAN. Proceed.

Mr. KENNEDY. What has been your relationship with Benjamin Lapensohn?

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

Mr. KENNEDY. What was his position around the union?

(Witness conferred with his counsel.)

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

The CHAIRMAN. Would you like to exercise the right to be a witness for yourself, instead of against yourself, and by telling the truth possibly remove any cloud of suspicion that is cast upon you by reason for these circumstances that are now before the committee?

Mr. O'LEAR. I would rather exercise my rights.

Mr. KENNEDY. Now, you set up a special bank account, did you not, you, Mr. O'Lear, and Mr. Battisfore set up a special bank account to finance the election of Mr. Cohen?

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

Mr. KENNEDY. Where did you get the money to place in that bank account?

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

Mr. KENNEDY. How much money did you contribute to that campaign?

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

Mr. KENNEDY. Were you reimbursed for the money that you contributed?

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

Mr. KENNEDY. Did that reimbursement come out of the union treasury?

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

Mr. KENNEDY. Now, was any of the money that was used to finance the campaign of Mr. Cohen come from the criminal elements in Philadelphia?

(Witness conferred with his counsel.)

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

Mr. KENNEDY. We have here a check dated March 26, 1954, pay to the order of cash, for \$1,000. What was that for?

Mr. CARROLL. May we see it?

Mr. KENNEDY. It is April 2 for \$1,000 payable to cash, and \$500 April 9, 1954, payable to cash, and \$500 April 1954 for cash, and May 14, 1954, \$400 for cash, and May 27, 1954, for cash, \$1,128.87.

The CHAIRMAN. I present you here 6 checks that counsel has identified, and ask you to examine them and state if you identify them and also examine, on 4 of them, the endorsement, "Charles O'Lear" on the reverse side of the checks.

There are 4 of them apparently which have your endorsement, and the other 2 do not. I ask you to examine those checks, and state if you identify them, particularly the 4 which you endorsed and apparently received the money for.

(Documents were handed to the witness.)

Mr. CARROLL. What is your question?

The CHAIRMAN. Have you examined the checks?

Mr. O'LEAR. Yes; I have.

The CHAIRMAN. Do you identify them.

Mr. O'LEAR. I refuse to answer that question under the fifth amendment.

The CHAIRMAN. State your reason.

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

The CHAIRMAN. Did you endorse four of those checks and get the money for them?

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

The CHAIRMAN. Do you deny that that is your signature, or your endorsement?

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

The CHAIRMAN. Have you ever paid that money back to the union?

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

The CHAIRMAN. These checks may be made exhibits 11-A, B, and C, and so forth.

(Documents referred to were marked "Exhibits No. 11, 11-A through 11-E, for reference, and may be found in the files of the select committee.)

Mr. KENNEDY. Would you tell us where this money came from, for Mr. Cohen's campaign?

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

(At this point, the following members were present: Senators McClellan and Ervin.)

The CHAIRMAN. What was there so crooked about that election that you can't tell the truth about it?

(The witness conferred with his counsel.)

The CHAIRMAN. Can you tell us?

(The witness conferred with his counsel.)

The CHAIRMAN. Can you tell us?

(The witness conferred with his counsel.)

The CHAIRMAN. Can you tell us?

(The witness conferred with his counsel.)

Mr. O'LEAR. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. That is all.

The CHAIRMAN. Are there any other questions, Senator?

Senator ERVIN. No.

The CHAIRMAN. You may stand aside. Call the next witness.

Mr. KENNEDY. John Feduniue.

The CHAIRMAN. Be sworn. You do solemnly swear the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. FEDUNIUE. I do.

### TESTIMONY OF JOHN FEDUNIUE, ACCOMPANIED BY HIS COUNSEL, JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. FEDUNIUE. John Feduniue, 1846 East Memphis Street, Philadelphia, Pa., truckdriver.

The CHAIRMAN. All right, Mr. Counsel, proceed.

Mr. KENNEDY. How long have you been a member of local 107, Mr. Feduniue?

Mr. FEDUNIUE. I have been a member for approximately 16 or 17 years.

Mr. KENNEDY. You are a truckdriver at the present time? You are not employed by the union?

Mr. FEDUNIUE. No, I am not, sir.

Mr. KENNEDY. Did you support Mr. Cohen in the election?

Mr. FEDUNIUE. I refuse to answer the question on the grounds I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Can you tell us what is so crooked about that outfit up there that you can't talk about it? I would like to know. I think it is a little bit intriguing. What is it that is so crooked about that thing that none of you can talk about it?

Mr. FEDUNIUE. I refuse to answer the question on the grounds I am not required to give evidence against myself.

The CHAIRMAN. Do you know?

Mr. FEDUNIUE. I refuse to answer.

The CHAIRMAN. Do you know what is wrong with it, but just wouldn't tell us?

Mr. FEDUNIUE. I refuse to answer for the same reason.

The CHAIRMAN. What reason?

Mr. FEDUNIUE. I refuse to answer on the grounds that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Are we to imply from that you are involved in the crookedness and that is the reason you can't talk?

(The witness conferred with his counsel.)

Mr. FEDUNIUE. I refuse to answer the question on the grounds I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Feduniue, your name appears on this list as an individual receiving \$400. When our staff investigators interviewed you initially, you stated that you had not received that money.

Do you remember that?

(The witness conferred with his counsel.)

Mr. FEDUNIUE. I refuse to answer the question on the ground I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. This is in connection with union funds. Did you or did you not receive the \$400?

Mr. FEDUNIUE. I refuse to answer the question on the grounds I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Mr. Chairman, once again we are getting into the misuse of union funds. This witness is taking the fifth amendment and refusing to answer questions on the ground it might tend to incriminate him.

I would like to ask him whether he is paying the attorneys that are with him.

Mr. FEDUNIUE. I haven't received a bill as yet.

Mr. KENNEDY. Do you expect to pay them?

Mr. FEDUNIUE. I don't think so.

I hope not.

Mr. KENNEDY. Do you understand it is being paid by the union?

Mr. FEDUNIUE. Yes.



Mr. KENNEDY. How was it arranged for you to secure these attorneys?

(The witness conferred with his counsel.)

Mr. KENNEDY. You can answer that. How was it arranged?

Mr. FEDUNIE. Well, I don't remember. I would like to talk to my attorney.

Mr. KENNEDY. You what?

Mr. FEDUNIE. I say I don't remember. I would like to talk to my attorney.

Mr. KENNEDY. You can remember that. It is only in the last 3 weeks. How did you arrange to get these attorneys. Did you call someone up in the union?

Senator ERVIN. Mr. Chairman, I suggest this is not a legal question, and there is no occasion for the witness to consult his counsel. It is purely a question of fact.

The CHAIRMAN. The Chair is not going to warrant this any further. The next time this thing goes too far, counsel will be excused.

Mr. CARROLL. I agree with you, Mr. Chairman, that this doesn't require legal advice, but the witness was simply saying he can't remember and was asking for help to refresh his recollection.

Senator ERVIN. The thing that puzzles me is if he can't remember the arrangement by which he retained counsel, how does he know they are his counsel?

Mr. CARROLL. Perhaps I can help you on that, Senator.

Senator ERVIN. I would like to get the evidence from the witness.

Mr. KENNEDY. How did you first come to retain these counsel?

(The witness conferred with his counsel.)

Mr. FEDUNIE. Through the union.

Mr. KENNEDY. And through whom in the union?

(The witness conferred with his counsel.)

Mr. KENNEDY. You can tell.

Mr. FEDUNIE. I am trying to think. I will give you an honest answer. I am trying to think.

The CHAIRMAN. Well, try to think.

(The witness conferred with his counsel.)

The CHAIRMAN. You never retained them at all, did you? The union retained them for you. Isn't that the truth? You said you would give an honest answer. Isn't that the truth?

Mr. FEDUNIE. Possibly.

The CHAIRMAN. Well, is it?

Mr. FEDUNIE. Yes.

The CHAIRMAN. Fine. Thank you. Proceed, Mr. Counsel.

Mr. KENNEDY. Don't you feel that the union members are entitled to know all the facts surrounding their money, the union dues? Don't you feel that?

(Witness conferred with his counsel.)

Mr. FEDUNIE. Yes, I feel they are entitled to know what is being done with their money.

Mr. KENNEDY. Don't you feel, therefore, that you should give them the benefit of the information that you have in connection with this \$400 payment that you are alleged to have received?

(The witness conferred with his counsel.)

Mr. FEDUNIE. These expenditures are explained at our regular union meetings to the satisfaction of the members.

Mr. KENNEDY. But don't you feel that the union members are entitled to have you answer these questions under oath before this committee regarding this \$400?

Mr. FEDUNIUE. As I say, it has been explained to the members to their satisfaction.

Mr. KENNEDY. Under oath, that is what I am talking about, under oath, don't you think they are entitled to have an explanation of the use of their moneys, under oath, before a congressional committee?

(The witness conferred with his counsel.)

Mr. FEDUNIUE. Our members didn't ask for me to answer these questions under oath.

Mr. KENNEDY. Yes, but do you feel that they are entitled to that? I am asking you as a teamster member. I just want to try to find out about the teamsters. Do you think the teamster members are entitled to have an explanation of the use of their money when a witness appears under oath before a committee?

(The witness conferred with his counsel.)

Mr. FEDUNIUE. Like I say, the explanation had been brought up on the floor at the regular meetings to the satisfaction of the members.

Mr. KENNEDY. Just answer the question. Do you think they are entitled to an explanation under oath before a committee or a law enforcement agency as to the use of union funds, or the misuse of union funds?

Mr. FEDUNIUE. If they ask for it, I think they are entitled to it.

Mr. KENNEDY. What about when a congressional committee asks for the information?

(The witness conferred with his counsel.)

Mr. KENNEDY. That is not a legal question. I am trying to find out what you think about it.

Mr. CARROLL. He doesn't understand your question, Mr. Kennedy.

(The witness considered with his counsel.)

The CHAIRMAN. The question is, and there is no use quibbling about it: Do you think union members are entitled to have you and others who know about it state under oath what has been done with their money? It is that simple.

Mr. FEDUNIUE. The members haven't asked us to state under oath anything.

The CHAIRMAN. Well, we are asking you to state under oath, and that is the Congress of the United States.

What is your answer?

Mr. FEDUNIUE. I refuse to answer the question on the ground I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. You think you would give some testimony against you if you answered that truthfully?

Mr. FEDUNIUE. Maybe.

The CHAIRMAN. Are you sure?

Mr. FEDUNIUE. Not quite.

The CHAIRMAN. Let me hand you something and see if you know your own signature. I hand you exhibit 5 in the testimony here and ask you to look on a line at about a third of the page, and see if you find where John Feduniue is written out in typewriting.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. FEDUNIUE. I see this, sir.

The CHAIRMAN. Do you see it?

Mr. FEDUNIUE. Yes, I do.

The CHAIRMAN. Do you see any writing following it?

Mr. FEDUNIUE. Yes, I do.

The CHAIRMAN. What does it say?

Mr. FEDUNIUE. \$400.

The CHAIRMAN. What else does it say?

Whose signature is that between the typewritten John Feduniue and the \$400?

Mr. FEDUNIUE. I refuse to answer the question on the grounds I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. You can see it, can't you?

Mr. FEDUNIUE. I see it.

The CHAIRMAN. You know what it is, don't you?

Mr. FEDUNIUE. I refuse to answer the question.

The CHAIRMAN. You refuse to admit you know your own signature?

Mr. FEDUNIUE. I refuse to answer the question.

The CHAIRMAN. On what ground?

Mr. FEDUNIUE. On the ground I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Don't you think that that signature gives a lot of evidence within itself?

Mr. FEDUNIUE. I refuse to answer.

The CHAIRMAN. How about the \$400?

Mr. FEDUNIUE. I refuse to answer the question on the grounds that I am not required to give evidence against myself.

The CHAIRMAN. Did you get that money?

Mr. FEDUNIUE. I refuse to answer for the same reason.

The CHAIRMAN. You are going to be a little more respectful and state your reason in full. You are not going to refuse to answer without getting an order to direct you to answer. Do you understand?

Mr. FEDUNIUE. Yes; I do.

The CHAIRMAN. Proceed. Did you get that \$400?

Mr. FEDUNIUE. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. Did you tell an investigator of this committee that you didn't get it?

Mr. FEDUNIUE. I refuse to answer the question under the same.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Did you ever explain this \$400 to the union members? Did you ever personally tell them that you got it or didn't get it?

(The witness conferred with his counsel.)

The CHAIRMAN. You said they were entitled to know. Did you?

(The witness conferred with his counsel.)

Mr. FEDUNIUE. I was never asked to explain it.

The CHAIRMAN. Well, you are being asked now. Will you explain it for them now, so it will be a matter of permanent record?

So that he who is interested may find out?

Mr. FEDUNIE. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Senator Ervin.

Senator ERVIN. Is there anything in the charter or the bylaws of local 107 which authorized the use of their funds to defray counsel fees, for counsel who advise witnesses of their right to plead the fifth amendment in an inquiry where an effort is being made to see what has happened to the funds of the union?

(The witness conferred with his counsel.)

Mr. FEDUNIE. I would like to answer that question this way: It was brought up in a regular meeting, it was voted by the general membership, that we were allowed to hire counsel and use union funds.

Senator ERVIN. In other words, you have a meeting of the local union which authorizes the use of union funds to pay legal fees of counsel retained for the purpose of preventing a disclosure of what had been done by the officers of the local with their funds in times past?

(The witness conferred with his counsel.)

Mr. FEDUNIE. I said that it was brought up in a regular meeting. It was one of the things that was brought up. It was voted on and passed by the general membership that we were allowed and entitled to get counsel with the union funds.

Senator ERVIN. And was it explained to the membership there at the meeting that the purpose of using the funds for that purpose was to keep the congressional committee from finding out what the officers of the union had theretofore been doing with the union funds?

Mr. CARROLL. Judge Ervin, I think that question is really addressed to counsel.

Senator ERVIN. No, it is not. I am asking him what happened at the meeting, what was explained to him.

Mr. CARROLL. Yes, but you know counsel are never retained for that purpose. We are retained to advise the witness only.

Senator ERVIN. You are retained, apparently, to advise these witnesses to plead the fifth amendment when they are asked about dealings with the funds of the union.

Mr. CARROLL. No, sir.

Senator ERVIN. It seems a queer thing to me. I can't see any other service that you are rendering to them.

Mr. CARROLL. Senator, in your absence this morning, we discussed this question, Senator McClellan, Senator Kennedy, and Mr. Kennedy, and I then explained our position. We are not, and I want the record to show this clearly, retained for the purpose of preventing testimony or any such thing, but only for the purpose of advising each of these individuals as to his rights with respect to testimonial privilege.

Senator ERVIN. You are advising them of their right under the fifth amendment to plead the fifth amendment when they are asked about their dealings with union funds, and according to the statement you are to be compensated out of other union funds for that service.

Mr. CARROLL. You misunderstood me, sir, I think. My statement was that we are retained for the purpose of advising the members

whether or not as to given questions they do have such a right to refuse.

We have not, do not, and will not, advise them to exercise the right or not to exercise the right. That decision is entirely theirs.

Senator ERVIN. Undoubtedly, in this investigation the object is to find out what has been done with union funds. Witness after witness that comes here, when inquiry is made about that, declines to answer about what has happened to union funds, how they have been used, and the witnesses evidently have been advised by counsel, who are to be compensated out of other union funds, that they have a right to refuse to make such divulgence if it tends to incriminate them, which, of course, is true. But it is, to my mind, a rather queer use for union funds to be put to.

Mr. CARROLL. I think he explained that that was approved by the membership, sir.

The CHAIRMAN. Are there any other questions?

Mr. KENNEDY. Not of this witness.

The CHAIRMAN. Stand aside.

Call the next one.

Senator ERVIN. One other question. How many people were present at that meeting that approved this expenditure of funds to furnish counsel to any witnesses that were summoned for membership in the union to testify about this matter?

Mr. FEDUNIE. The exact matter I don't know. It is a general and open meeting for all members. We all have the opportunity to participate.

Senator ERVIN. You were there; weren't you? Were you there?

Mr. FEDUNIE. Yes; I was.

Senator ERVIN. I know you didn't count how many were there, but how many would you estimate were there?

Mr. FEDUNIE. Well, I know it was a full house. The capacity of the hall, I couldn't tell you. I couldn't begin to estimate.

Senator ERVIN. Do you mean to tell me you couldn't tell whether it was 10 or 10,000?

(The witness conferred with his counsel.)

Senator ERVIN. You have some idea how many were there.

(The witness conferred with his counsel.)

Mr. CARROLL. I am told this meeting was held at the Met, Senator. It holds a couple thousand people if it was a full house.

Senator ERVIN. Does he want to tell me there was 2,000 people there? That is what I am getting at.

Mr. FEDUNIE. I would say about 2,000.

Senator ERVIN. How many members do you have in local 107?

Mr. FEDUNIE. 11,000.

Senator ERVIN. Who made the motion that the funds be used for this purpose?

Mr. FEDUNIE. It was one of the members. His name I can't recall, one of the regular members.

Senator ERVIN. Was Raymond Cohen there?

Mr. FEDUNIE. He attends all meetings.

Senator ERVIN. Who presided over this meeting?

(The witness conferred with his counsel.)

Mr. FEDUNIE. Joe Grace.



Senator ERVIN. Who?

Mr. FEDUNIUE. Joe Grace, the president.

Senator ERVIN. The president of the union.

Mr. KENNEDY. He will be a witness.

Senator ERVIN. That is all.

The CHAIRMAN. Did they authorize the payment of the attorney fees for witnesses who did not take the fifth amendment?

Mr. CARROLL. You know yesterday, Senator, we had one such.

The CHAIRMAN. I didn't ask you.

Mr. FEDUNIUE. They authorized the payment of the attorneys.

The CHAIRMAN. All right.

Mr. KENNEDY. Did they understand that you very possibly might take the fifth amendment? Was that discussed?

(The witness conferred with his counsel.)

Mr. FEDUNIUE. I don't think they had any way at all of knowing—I don't think they had any way to know what was going to happen.

Mr. KENNEDY. That is the important thing. I think it is understandable if the union wants to furnish the attorneys to come down here and assist a congressional committee in establishing facts. But this is a situation where union officials and other union members are being asked to testify on the misuse of union funds. Was it explained to the membership that they were going to be asked questions about the misuse of union funds, about the purchase of yachts by Mr. Cohen, and the misuse or theft of money by other union officials, and that they would plead the fifth amendment?

Was it explained to the membership? Was that all explained to the membership?

Mr. FEDUNIUE. I think it was common knowledge. It was in the newspapers.

Mr. KENNEDY. I think if that was explained to the membership, and they approved of it, it shows the degree of fear that exists in local 107, and the members of local 107, that they would approve of such a thing.

Mr. FEDUNIUE. I didn't say it was explained to the membership. I said it was common knowledge. The members evidently knew of it. It was in the papers.

Mr. ERVIN. Was it explained in that meeting by anyone before they voted on this motion, that any witness who was willing to go down and make a full and complete statement of any matters that he had knowledge of, didn't need a lawyer?

(The witness conferred with his counsel.)

Mr. FEDUNIUE. I can't remember.

Mr. KENNEDY. There has to be an obvious conflict of interest, despite what the group in Philadelphia said. The membership are entitled to know about the use of union funds. That position has been supported by the code of ethical practices of the AFL-CIO. When the attorney is being paid out of the union, funds, that they are entitled to know.

It is also the right of a witness appearing before a congressional committee to refuse to testify. They have that right.

But there is obviously a conflict between the right of the witness before the committee and the right of the union membership to know,

and the union membership has the paramount right, because they are paying the bill. That is all.

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Chairman, I made a statement this morning about a situation that took place at a membership meeting in Philadelphia on Sunday, March 16. I would like to call the staff investigator who interviewed a member of local 107 who attended the meeting, and have him testify as to what this member of local 107 said.

We will furnish to the members of the committee in executive session the name of the witness.

The CHAIRMAN. You have been previously sworn?

Mr. FLANAGAN. I have.

#### TESTIMONY OF JOHN FLANAGAN—Resumed

Mr. KENNEDY. Mr. Flanagan, you interviewed a number of different members of local 107?

Mr. FLANAGAN. I did.

Mr. KENNEDY. Initially, the truckdrivers, the ordinary members, were cooperating with the committee, a large number of them, or a number of them?

Mr. FLANAGAN. A number of them were cooperating.

Mr. KENNEDY. And they were answering questions?

Mr. FLANAGAN. They were.

Mr. KENNEDY. Did a number of them describe to you that Mr. Cohen had a stranglehold over the membership of local 107, he and the people that he appointed as business agents?

Mr. FLANAGAN. They did.

Mr. KENNEDY. And did they also say that these ones that he had appointed as organizers had instilled a sense of fear in the membership of local 107?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. And that even when they answered these questions initially, that they were in fear?

Mr. FLANAGAN. That is right.

Mr. KENNEDY. Did one of them give you some information and then at a later time come back and tell you of a membership meeting that had occurred in local 107?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. Would you relate to the committee, without mentioning the man's name, and you are now testifying under oath, what this man told you as to what had transpired at the membership meeting?

Mr. FLANAGAN. He told me that he had attended a meeting of the membership of local 107, which was held at Moose Hall, 1314 North Broad Street, Philadelphia, on Sunday, March 16, 1958. At that meeting, Mr. Cohen announced that the union—I am sorry. At that meeting, Mr. Cohen told the membership that he would "fix" the guys who went against him.

The member said that he took this to mean that those members of local 107 who testified against Cohen at hearings before this select committee would either meet with physical violence, lose their jobs, or both.

Mr. KENNEDY. That was one point. Was there any statement made about the members of local 107 who came down to testify as far as monetary compensation was concerned?

Mr. FLANAGAN. Yes. At that same meeting, Mr. Cohen announced that the union would make up the losses of pay that the men would suffer by appearing before this committee; that he would pay the difference between what they would have earned on their jobs and the witness' fee they would receive for appearing before this committee.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. The name of your informant will be supplied in executive session. I don't want to make it known here, because I have no doubt that he would get fixed if they found out who did it. All right.

Call the next witness.

Mr. KENNEDY. Sam Doman, Sr.

The CHAIRMAN. Be sworn.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DOMAN. I do.

#### TESTIMONY OF SAMUEL DOMAN, SR., ACCOMPANIED BY HIS COUNSEL, JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. DOMAN. Samuel Doman, 1302 Cadwalader Street, Philadelphia. I am employed as a truckdriver for Lancaster Transportation Co.

Mr. KENNEDY. Lancaster Transportation Co.?

Mr. DOMAN. That is right.

Mr. KENNEDY. How long have you been a member of local 107?

Mr. DOMAN. Since 1933.

Mr. KENNEDY. Did you support Mr. Raymond Cohen in his election bid as secretary-treasurer?

(Witness conferred with his counsel.)

Mr. DOMAN. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Have you received any money from Mr. Cohen since he was made secretary-treasurer?

Mr. DOMAN. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Wouldn't you like to cooperate and help this committee in getting this information, Mr. Doman?

(Witness conferred with his counsel.)

Mr. DOMAN. That is a question I refuse to cooperate on, on the grounds that it is liable to be—on the fifth amendment.

Mr. KENNEDY. Did you receive any union funds from Mr. Cohen?

Mr. DOMAN. I refuse to answer on the same reasons as before.

Mr. KENNEDY. Are you paying your attorneys?

Mr. DOMAN. The local.

Mr. KENNEDY. The local secured the attorneys for you?

Mr. DOMAN. That is right.

Mr. KENNEDY. Mr. Doman, you, in fact, have nothing to hide before this committee. There isn't any answer that you could give that would incriminate you. You have a good record. There is nothing for you to hide.

Isn't it a fact that you were told by Mr. Cohen's attorneys to appear before the committee and take the fifth amendment?

(Witness conferred with his counsel.)

The CHAIRMAN. You can answer that yes or no.

Mr. DOMAN. I wasn't told.

Mr. KENNEDY. You have nothing to hide, Mr. Doman. You have a fine record. You have never taken the fifth amendment before.

Isn't it a fact that you were told by Mr. Cohen's attorney that you have to come down here and take the fifth amendment?

Mr. DOMAN. There may be some evidence against me.

The CHAIRMAN. Well, there is some evidence here. Did you get \$225?

Mr. DOMAN. I refuse to answer the question on the ground I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. The truth is you got \$2.25, didn't you?

Mr. DOMAN. I refuse to answer for the same reason.

The CHAIRMAN. Are you going to be a party to robbing the union here, when they charge you with \$225 when you only got \$2.25?

Mr. DOMAN. I refuse to answer.

The CHAIRMAN. Then you do?

(Witness conferred with his counsel.)

Mr. DOMAN. I refuse to answer for the same reason as before.

The CHAIRMAN. What reason?

Mr. DOMAN. I refuse to answer the question on the ground I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. I am sorry for you folks that are under such fear that you cannot come in here and help clean up your own local by telling the truth.

You got \$2.25, and they charge here that they gave you \$225. I don't believe you got \$225. What do you say about it? Did you?

Mr. DOMAN. I refuse to answer on the same as before.

Mr. KENNEDY. That is all.

Mr. CARROLL. Mr. Chairman, in view of counsel's suggestion to this witness that he was instructed by counsel for the union what to do, I should like to reply for Mr. Markowitz and myself that we did not—

The CHAIRMAN. The witness can reply for himself, and he has.

All right; you are not a witness. I don't know whether you are attorney for the union or not. You are attorney for these folks, and the union is paying you.

Mr. KENNEDY. Joseph Grosscup.

The CHAIRMAN. Come forward, please. Be sworn.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GROSSCUP. I do.

**TESTIMONY OF JOSEPH GROSSCUP, ACCOMPANIED BY HIS COUNSEL,  
JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ**

The CHAIRMAN. State your name, your place of residence, and your business or occupation?

Mr. GROSSCUP. Joseph Grosscup, 4124 Reese Street, Philadelphia, truckdriver.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Grosscup, you are also a shop steward?

Mr. GROSSCUP. That is right.

Mr. KENNEDY. Are you under indictment at the present time?

(Witness conferred with his counsel.)

Mr. GROSSCUP. Yes; I am.

Mr. KENNEDY. For what is that?

(Witness conferred with his counsel.)

Mr. KENNEDY. What are you under indictment for? I will not go into the matter.

Mr. GROSSCUP. Trespassing on private property.

Mr. KENNEDY. Did it have anything to do with the union, union affairs?

(Witness conferred with his counsel.)

The CHAIRMAN. Answer the question.

(Witness conferred with his counsel.)

Mr. GROSSCUP. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you support Mr. Raymond Cohen in the election?

Mr. GROSSCUP. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you receive any union funds from Mr. Cohen after he was elected secretary-treasurer?

Mr. GROSSCUP. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Are you paying your attorneys?

(Witness conferred with his counsel.)

Mr. GROSSCUP. No; I am not.

Mr. KENNEDY. The union secured your attorneys for you?

Mr. GROSSCUP. Yes; they did.

Mr. KENNEDY. Your name appears as No. 1 on this list that we have been discussing, Joseph Grosscup, as receiving \$125.

Did you receive that \$125?

(Witness conferred with his counsel.)

Mr. GROSSCUP. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Then there is another list that we have where you are supposed to have received \$225 as organizing expenses.

Did you do any organizing for that?

Mr. GROSSCUP. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.



Mr. KENNEDY. Was the money of the union in fact split up, large sums of money of the union split up, amongst you people who had supported Mr. Cohen?

Mr. GROSSCUP. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. There was a group of you, were there not, that got together supporting Mr. Cohen, and then you were paid off with union funds after he became secretary-treasurer; isn't that right?

Mr. GROSSCUP. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. And these sums of money were charged to organizing expenses and other incidentals?

(Witness conferred with his counsel.)

Mr. GROSSCUP. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Do you know Mr. Benjamin Lapensohn?

Mr. GROSSCUP. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. What did he do for the union?

(Witness conferred with his counsel.)

Mr. GROSSCUP. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Any other questions?

Senator ERVIN. Mr. Grosscup, you recognize that a union has a perfect right under the law to expend union funds for organizational expense; don't you?

(Witness conferred with his counsel.)

The CHAIRMAN. Answer the question.

(Witness conferred with his counsel.)

The CHAIRMAN. Answer the question.

Mr. GROSSCUP. I don't know that law, but if that is the law, it is.

Senator ERVIN. You have no doubt of the fact, do you, that it would be perfectly honest and legitimate for a person to receive compensation from a union for assisting in organizing union; don't you?

(Witness conferred with his counsel.)

Mr. GROSSCUP. I think it would be.

Senator ERVIN. And, therefore, you realize that if a person honestly and legitimately received money, compensation, for organizing expense, that his admission of that fact wouldn't tend to incriminate him at all; don't you?

(Witness conferred with his counsel.)

The CHAIRMAN. Make up your mind and answer it.

Mr. GROSSCUP. It is not true.

Senator ERVIN. What is not true?

(Witness conferred with his counsel.)

The CHAIRMAN. Make up your mind and answer.

Mr. GROSSCUP. It could be evidence against me.

The CHAIRMAN. Sir?

Mr. GROSSCUP. It could be evidence against me.

The CHAIRMAN. It could be evidence against you? Well, if it was legitimate, it wouldn't intimidate you, would it?

Mr. CARROLL. Did you say intimidate or incriminate?

The CHAIRMAN. Both.

Mr. CARROLL. In this one question?

The CHAIRMAN. Yes.

Mr. GROSSCUP. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. You will agree with me that if it wasn't legitimate, then it would incriminate you; don't you?

(Witness conferred with his counsel.)

The CHAIRMAN. I don't believe you are that dumb. I don't believe you have to have that much conference. Answer the question.

(Witness conferred with his counsel.)

Mr. GROSSCUP. It could be evidence against me.

The CHAIRMAN. All right. Stand aside.

Call the next witness.

Mr. KENNEDY. Mr. Chairman, could we hear them two at a time?

The CHAIRMAN. Yes.

Mr. KENNEDY. John Davis and Hans Von Sydow.

The CHAIRMAN. Come forward, please.

Senator ERVIN. I think perhaps they can sing the fifth amendment in chorus.

The CHAIRMAN. Be sworn.

Do you and each of you solemnly swear the evidence you shall give before this Senate Select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DAVIS. I do.

Mr. VON SYDOW. I do.

**TESTIMONY OF JOHN DAVIS AND HANS VON SYDOW, ACCOMPANIED  
BY JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ,  
COUNSEL**

The CHAIRMAN. The one on my left, please give your name, address, and business or occupation.

Mr. DAVIS. My name is John Davis. I live at 2755 Helen Street, Philadelphia, and I am a truckdriver.

The CHAIRMAN. State your name and your place of residence.

Mr. VON SYDOW. My name is Hans von Sydow, 168 Willow Drive, Leavittown, Pa., driver.

Mr. KENNEDY. Mr. Davis, how long have you been a member of local 107?

Mr. DAVIS. Better than 20 years. Since about 1934.

Mr. KENNEDY. Did you support Mr. Cohen in his bid for election as secretary-treasurer?

Mr. DAVIS. I refuse to answer that question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Did you get paid out of union money for voting for him and working for him?

Mr. DAVIS. I refuse to answer for the same reason.

The CHAIRMAN. Do you think it might tend to incriminate you; if you did?

Mr. DAVIS. There might be some evidence.

The CHAIRMAN. I believe it would.

Mr. KENNEDY. You are listed on line 3, page 3, as receiving \$100. Did you receive \$100?

Mr. DAVIS. I refuse to answer the question on the ground that I may give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you receive any other payments from Mr. Cohen after he became secretary-treasurer?

Mr. DAVIS. I refuse to answer for the same reason.

Mr. KENNEDY. Are you paying your attorneys?

Mr. DAVIS. No; the union.

Mr. KENNEDY. The union?

Mr. DAVIS. The union is taking care of that.

Mr. KENNEDY. And they secured them for you?

Mr. DAVIS. Well, I secured them myself. I went down to see my business agent. I asked him if I could talk with a lawyer, and he said O. K., that the union would take care of it.

Mr. KENNEDY. Who is your business agent?

Mr. DAVIS. Charles O'Lear and Walter Baker.

Mr. KENNEDY. Who did you talk to?

Mr. DAVIS. O'Lear.

Mr. KENNEDY. He is the one that appeared here and took the fifth amendment; is that right?

Mr. DAVIS. Is he what?

Mr. KENNEDY. He is the gentleman who appeared here before the committee and took the fifth amendment just prior to you, about five fifth amendments prior to you, is that right?

Mr. DAVIS. Yes.

Mr. KENNEDY. And you went down to get his permission to see an attorney?

Mr. DAVIS. Yes; I did.

Mr. KENNEDY. And he gave you permission to see an attorney?

Mr. DAVIS. I went down to the union and asked him if I could get a lawyer, and he said yes.

Mr. KENNEDY. Did he get a lawyer for you, then?

Mr. DAVIS. Well, I secured my own then. Mr. Carroll.

Mr. KENNEDY. How did you happen to get him, Mr. Carroll?

Mr. DAVIS. They suggested him to me.

Mr. KENNEDY. Who did? Mr. O'Lear?

Mr. DAVIS. Yes.

Mr. KENNEDY. What about you, Mr. Von Sydow. How long have you been a member of local 107?

Mr. VON SYDOW. About 24 years, sir.

Mr. KENNEDY. Did you support Mr. Cohen in his bid for election?

Mr. VON SYDOW. I refuse to answer the question on the grounds that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Page 3, line 16, indicates that you received \$300. Did you receive the \$300?

Mr. VON SYDOW. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Then you also appear on a number of other lists where you received for organizing expenses one time \$225, and another time \$95. Did you do any organizing work for the union?

Mr. VON SYDOW. I refuse to answer the questions on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Are you paying for your attorneys?

Mr. VON SYDOW. No, sir.

Mr. KENNEDY. Is the union paying for them?

Mr. VON SYDOW. Yes, sir.

Mr. KENNEDY. They secured your attorneys for you?

Mr. VON SYDOW. Yes, sir.

Mr. KENNEDY. Will you tell us anything that you know about the use or misuse of union funds?

(The witness conferred with his counsel.)

Mr. VON SYDOW. Sir, I didn't get that question.

Mr. KENNEDY. Will you tell us anything that you know about the use or misuse of union funds?

Mr. VON SYDOW. I refuse to answer the question on the grounds that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. What about you, Mr. Davis, will you tell us anything you know about the use or misuse of union funds?

Mr. DAVIS. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Will you give some evidence for yourself and remove this cloud of suspicion? Are you willing to do that?

(The witness conferred with his counsel.)

Mr. DAVIS. It depends on the questions.

The CHAIRMAN. The question is did you get any of this money, period?

Mr. DAVIS. I refuse to answer for the same, period.

Mr. KENNEDY. Do you know Mr. Ben Lapensohn?

(The witness conferred with his counsel.)

Mr. DAVIS. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. How about you, Mr. Von Sydow?

Mr. VON SYDOW. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Senator Ervin.

Senator ERVIN. Mr. Davis, I notice that you read each time a statement. Is that statement typewritten or printed?

(The witness conferred with his counsel.)

Mr. DAVIS. What statement?

Senator ERVIN. The statement that you got out of your pocket and which you read each time on the fifth amendment.

Mr. DAVIS. That is typed.

Senator ERVIN. Let me see it, please.

(The document was handed to the committee.)

Mr. KENNEDY. Are they mimeographed?

Senator ERVIN. It looks like it is sort of printed or mimeographed.

You have one also, Mr. Von Sydow.

Mr. VON SYDOW. Yes, sir.

Senator ERVIN. Let me see your statement, please.

(The document was handed to the committee.)

Senator ERVIN. Mr. Chairman, I would suggest that we put these two statements into the record. They are apparently being made by some kind of a duplicating machine. I would just judge that on the face of them. I am not an expert on that.

The CHAIRMAN. You will not need them any more; will you?

Mr. CARROLL. If there is any mystery about it, Senator, I can clear it up for you. I gave it to them.

Senator ERVIN. Is that mimeographed?

Mr. CARROLL. Yes.

Senator ERVIN. There is not any doubt about it. I don't think it needs confirmation.

Mr. CARROLL. I don't think it does either.

The CHAIRMAN. Proceed.

Mr. KENNEDY. That is all.

The CHAIRMAN. Stand aside. Call the next one.

Mr. KENNEDY. James Miskell, Jr., and Ernest Gilbert.

The CHAIRMAN. Stand and be sworn, please. Do you and each of you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GILBERT. I do.

Mr. MISKELL. I do.

#### TESTIMONY OF JAMES J. MISKELL AND ERNEST GILBERT, ACCOMPANIED BY COUNSEL, JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ

The CHAIRMAN. Mr. Gilbert, state your name, your place of residence, and business or occupation.

Mr. GILBERT. Ernest Gilbert, 5617 Frontenac, truckdriver.

The CHAIRMAN. Philadelphia?

Mr. GILBERT. Philadelphia.

The CHAIRMAN. Mr. Miskell, will you state your name, residence?

Mr. MISKELL. James Miskell, 1343 Earl Street, Philadelphia, truckdriver.

The CHAIRMAN. Proceed, Mr. Counsel.

Mr. KENNEDY. Mr. Gilbert, you have been a member of local 107 for how long?

Mr. GILBERT. 1938.

Mr. KENNEDY. Did you help support Mr. Cohen in the election?

(The witness conferred with his counsel.)

Mr. KENNEDY. Did you help support Mr. Cohen in his election?

Mr. GILBERT. I told you once before I did.

Mr. KENNEDY. You what?

Mr. GILBERT. I told you I did, before.



Mr. KENNEDY. You just told me you did.

Mr. GILBERT. Yes.

Mr. KENNEDY. What did you do for him?

Mr. GILBERT. Jockeying members from Broad and Spring Garden to Front Street to pay their dues.

Mr. KENNEDY. You brought them down to pay their dues?

Mr. GILBERT. That is right.

Mr. KENNEDY. Did you receive any money for that?

(The witness conferred with his counsel.)

Mr. GILBERT. I refuse to answer that, on self-incrimination.

Mr. KENNEDY. On what reason?

Mr. GILBERT. Fifth amendment.

The CHAIRMAN. Do you mean to imply by that that you got some money improperly?

(The witness conferred with his counsel.)

The CHAIRMAN. Do you mean that it might incriminate you if you said so?

Mr. GILBERT. I refuse to answer that.

The CHAIRMAN. Why?

(The witness conferred with his counsel.)

Mr. GILBERT. For the same reason.

The CHAIRMAN. What reason?

Mr. GILBERT. It might be some evidence against me.

The CHAIRMAN. Do you think it would? Do you truly think it would?

Mr. GILBERT. It might.

The CHAIRMAN. Did you get more than your share?

(The witness conferred with his counsel.)

Mr. GILBERT. I refuse to answer that.

The CHAIRMAN. You better refuse for some good reason.

Mr. GILBERT. The fifth amendment.

The CHAIRMAN. All right; proceed.

Mr. KENNEDY. Did you receive any cash from Mr. Cohen after he was made secretary-treasurer?

Mr. GILBERT. I refuse to answer that under the fifth amendment.

Mr. KENNEDY. Are you paying your attorneys?

(The witness conferred with his counsel.)

Mr. GILBERT. No. The union is paying.

Mr. KENNEDY. They secured them for you?

Mr. GILBERT. Yes.

The CHAIRMAN. Are you to get any difference from the union in your pay while you are down here and what you would have earned?

Has that been promised you?

(The witness conferred with his counsel.)

Mr. GILBERT. Any difference in my pay?

The CHAIRMAN. Yes.

Mr. GILBERT. No.

The CHAIRMAN. Are you to get from the union any difference in what you would earn and what your fees may be for appearing here before the committee? I understood that you were to get that.

Mr. GILBERT. They will make up my lost time.

The CHAIRMAN. To make up your lost time. You are to get the difference? That is correct, isn't it, and you will get it from the union? Is that right?

(The witness conferred with his counsel.)

Mr. GILBERT. That is right.

The CHAIRMAN. Who promised you that?

(The witness conferred with his counsel.)

The CHAIRMAN. You can answer who promised you.

(The witness conferred with his counsel.)

The CHAIRMAN. You are ordered to to answer the question.

Mr. GILBERT. Raymond Cohen.

The CHAIRMAN. Was that at the meeting on Sunday, March 16, that he made you that promise?

Mr. GILBERT. I wasn't on a meeting March 16.

The CHAIRMAN. You were not there. When did he promise you?

(The witness conferred with his counsel.)

The CHAIRMAN. Well, was it yesterday? You know about when.

Mr. GILBERT. It must have been some time last week.

The CHAIRMAN. Some time last week. Did he also tell you if anybody come down here and testified against him, he would fix them?

(The witness conferred with his counsel.)

Mr. GILBERT. I refuse to answer—

(The witness conferred with his counsel.)

The CHAIRMAN. Do you want to leave the impression that he did?

(The witness conferred with his counsel.)

Mr. GILBERT. No, Ray didn't say such a thing like that.

The CHAIRMAN. I didn't understand you.

Mr. GILBERT. Ray didn't say such a thing like you just said.

The CHAIRMAN. How did he say it?

(The witness conferred with his counsel.)

Mr. GILBERT. He didn't say it at all.

The CHAIRMAN. You didn't hear him?

Mr. GILBERT. Of course not. I did not.

The CHAIRMAN. You didn't hear him?

Mr. GILBERT. I did not.

The CHAIRMAN. Why did it take you so long to answer? Why do you have to consult your attorney about it, if you know you didn't hear it? You got no answer for that, have you?

All right. Proceed.

Mr. KENNEDY. Mr. Miskell, how long have you been in 107?

Mr. MISKELL. About 14 years.

Mr. KENNEDY. And did you support Mr. Cohen?

Mr. MISKELL. I refuse to answer that question on the grounds that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Have you received any money from Mr. Cohen since he has been secretary-treasurer?

Mr. MISKELL. I refuse to answer on the same ground.

Mr. KENNEDY. Are you paying your attorneys?

Mr. MISKELL. No, I am not.

Mr. KENNEDY. The union secured them for you?

Mr. MISKELL. That is right.

Mr. KENNEDY. They are paying the bills?

Mr. MISKELL. That is right.

Mr. KENNEDY. What was the arrangement that was made for being reimbursed for your support of Mr. Cohen in the campaign?

Mr. MISKELL. I refuse to answer on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did Mr. Cohen promise you at that time that you would be paid money out of union funds?

Mr. MISKELL. I refuse to answer on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Your name appears on page 2, line 5, of a list of persons who were purported to receive the proceeds of these two checks totaling \$25,000 and that you were alleged to have received \$150. Did you receive that \$150?

Mr. MISKELL. I refuse to answer on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you ever kick back any of that money to Raymond Cohen?

Mr. MISKELL. I refuse to answer for the same reason.

Mr. KENNEDY. Do you know Benjamin Lapensohn?

Mr. MISKELL. I refuse to answer for the same reason.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Are you to get the difference in your pay down here and what you would have earned?

Mr. MISKELL. I would like to.

The CHAIRMAN. I didn't—

Mr. MISKELL. I don't know whether I am or not, no.

The CHAIRMAN. Are you supposed to?

Mr. MISKELL. Nobody has told me that I will be.

The CHAIRMAN. No one has told you you would be?

Mr. MISKELL. That is right.

The CHAIRMAN. Some others seem to have that understanding. You don't have that understanding?

Mr. MISKELL. That is right, I don't.

The CHAIRMAN. You have had no such understanding?

Mr. MISKELL. No.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. That is all.

The CHAIRMAN. Senator Ervin.

Senator ERVIN. Were you present at the meeting that happened on Sunday, the 16th of March?

Mr. MISKELL. That is right, I was.

Senator ERVIN. Did you hear Mr. Cohen make a public statement to the effect that the union would take care of the difference, the loss of time, of anybody that came here and testified.

Mr. MISKELL. I heard Mr. Cohen make that statement, that is right.

Senator ERVIN. A while ago you said you didn't hear him.

Mr. MISKELL. I didn't say that I didn't hear him. I said I wasn't told personally that I would be reimbursed.

Senator ERVIN. You heard him tell everybody that at the meeting?

Mr. MISKELL. That is right, yes.

Senator ERVIN. And he told everybody. He made the statement there in the presence of you and everybody else, that the union would take care of any loss occasioned by witnesses coming down here to testify.

Mr. MISKELL. That is right. The statement was made at a general meeting.

Senator ERVIN. Didn't you believe he meant it when he said it?

Mr. MISKELL. Yes, I do.

Senator ERVIN. Why did you swear a while ago that you hadn't been promised that by anybody.

Mr. MISKELL. I was asked was I told personally. I wasn't. I was told in a membership meeting.

The CHAIRMAN. That is talking to you personally, if you were there, in a membership meeting, and he was addressing the whole membership.

Mr. MISKELL. I heard it, yes.

The CHAIRMAN. You weren't trying to tell the truth. You were trying to evade the truth, when you testified as you did a moment ago.

Mr. MISKELL. That is the way I understood the question, was I told personally.

The CHAIRMAN. I said were you told.

Mr. MISKELL. Was I told? Yes, at a general membership meeting.

Senator ERVIN. You expect him to keep his word, don't you?

Mr. MISKELL. Yes, I do.

Senator ERVIN. Why did you swear a while ago that you would like to get it but you didn't know whether you were going to get it?

Mr. MISKELL. I misunderstood the question. I figured I was asked was I told personally.

Senator ERVIN. What else was discussed at this meeting on Sunday, March 16?

Mr. MISKELL. In what manner?

Senator ERVIN. What was said there at the meeting publicly?

Mr. MISKELL. About what?

Senator ERVIN. About anything.

(The witness conferred with his counsel.)

Mr. MISKELL. Well, the same thing happens at every meeting. It is opened up by the president. The meeting is called to order. The records are read off. The treasury report.

Senator ERVIN. Was this a regular meeting or a special meeting?

Mr. MISKELL. This was a regular meeting.

Senator ERVIN. What was said about the hearing down here?

Mr. MISKELL. What was said about the hearing?

(The witness conferred with his counsel.)

Senator ERVIN. You don't have to ask your lawyer about that. That is a question of fact.

Mr. MISKELL. I don't remember just exactly what was said about the hearings down here.

Senator ERVIN. They were discussed, weren't they?

(The witness conferred with his counsel.)

Mr. MISKELL. It was discussed, yes.

Senator ERVIN. And you were told, or it was pretty well stated there, that the union had employed an attorney to represent any witness who would cooperate, wasn't it, with the union officers?

Mr. MISKELL. I don't remember hearing any statement like that made, no.

Senator ERVIN. What discussion was had besides what you have already told us, at the meeting, about the hearing down here?

(The witness conferred with his counsel.)

Senator ERVIN. Suppose you talk to me instead of your counsel. That is a question of fact.

Mr. MISKELL. A motion was brought on the floor and seconded, and unanimously approved, by the members, the rank and file members, that the union pay for our attorneys. That was brought up.

Senator ERVIN. Anything else?

Mr. MISKELL. That I can recall? No.

Senator ERVIN. What interest does the union have in this investigation as distinguished from the officers of the union as individuals?

(The witness conferred with his counsel.)

Mr. MISKELL. I believe the strength of the union is involved.

Senator ERVIN. Well, tell me about the union, how it is concerned as an organization as distinguished from its officers.

(The witness conferred with his counsel.)

Mr. MISKELL. The union itself is concerned about all its members.

Senator ERVIN. It seems only to be concerned here with the suppression of an investigation as to how much of its funds have been unlawfully used by its officers. What interest does the union have in defraying the cost of counsel for witnesses? I will put it this way: What interest does the union have in keeping the Congress of the United States from knowing what the officers of the union have done with the union's money?

(The witness conferred with his counsel.)

Mr. MISKELL. That is the way the general members, the rank and file members felt.

Senator ERVIN. In other words, the general rank and file members don't want to know whether their funds have been wrongfully used by the officers? Is that what your swear here?

(The witness conferred with his counsel.)

Mr. MISKELL. The members know.

Mr. Cohen explains to them at every meeting, yes.

Senator ERVIN. Did he explain what he gave you money for at those meetings?

(The witness conferred with his counsel.)

Mr. MISKELL. I refuse to answer that question on the grounds I am not required to give evidence against myself.

Senator ERVIN. Did he give any explanation——

The CHAIRMAN. Wait a minute. If you answered that question truthfully, do you think that it may tend to incriminate you?

Mr. MISKELL. I believe it may be some evidence against me, yes.

The CHAIRMAN. You have some reason to think, you have something to hide in that connection, is that right?

Mr. MISKELL. It might be evidence against me.

Senator ERVIN. How much of the dues, the monthly dues, are paid to local 107?

Mr. MISKELL. Do I pay monthly dues?

Senator ERVIN. No. What is the amount of them?

Mr. MISKELL. \$5.

Senator ERVIN. And did Mr. Cohen give you an explanation of what the officers of the union did or the business manager did with the \$55,000, approximately that was collected last year?

(The witness conferred with his counsel.)



Mr. MISKELL. Mr. Cohen makes a general report at every meeting as to how much money is received in union dues, and also the expenditures.

Senator ERVIN. And does he tell about how much of it he paid out in connection with his election?

Mr. MISKELL. I refuse to answer that question on the ground I am not required to give evidence against myself under the fifth amendment.

Senator ERVIN. I am not asking you. I am asking what Mr. Cohen said. That doesn't have any relation to you.

(The witness conferred with his counsel.)

Mr. MISKELL. I refuse to answer for the same reason.

Senator ERVIN. How can what Mr. Cohen said incriminate you? Will you explain that to me?

(The witness conferred with his counsel.)

Mr. MISKELL. It might be some evidence against me.

Senator ERVIN. He didn't say anything about you being engaged in any corruption or rascality in connection with union funds, did he?

Mr. MISKELL. I refuse to answer that question on the grounds it might be some evidence against me, under the fifth amendment.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. No.

The CHAIRMAN. Stand aside. I hope you are both proud of yourselves.

Call the next witness.

Mr. KENNEDY. Mr. Chairman, we have a number of others who might have some positive evidence to give the committee.

The CHAIRMAN. We will mix up the fifth amendments and get some more proof.

Mr. KENNEDY. I would like to call a representative of the FBI that testified yesterday.

The CHAIRMAN. Mr. Cadigan, you will remain under the same oath administered to you yesterday.

#### TESTIMONY OF JAMES C. CADIGAN—Resumed

Mr. KENNEDY. In addition to the checks that you examined yesterday, Mr. Cadigan, did you also examine some checks that bore the signature of the president of the union, Mr. Joseph Grace?

Mr. CADIGAN. I did.

Mr. KENNEDY. I would like to present the checks to you. I believe there are 23 checks.

Mr. CADIGAN. All told I examined 30.

The CHAIRMAN. The Chair presents to you a bundle of checks, I believe there are 23 of them, and ask you to state if you have previously examined these photostatic copies, and if you identify them as those you have previously examined.

(The documents were handed to the witness.)

Mr. CADIGAN. Yes; I examined all of these checks.

The CHAIRMAN. There are how many?

Mr. CADIGAN. 23, I believe.

The CHAIRMAN. That group of checks may be made exhibit No. 12, in bulk.

(The documents referred to were marked "Exhibit No. 12" for reference, and may be found in the files of the select committee.)

The CHAIRMAN. Mr. Counsel?

Mr. KENNEDY. Do these checks all have the indorsement of Mr. Joseph E. Grace?

Mr. CADIGAN. They did.

Mr. KENNEDY. They were signed, were they not, by Mr. Raymond Cohen and Mr. Joseph Grace? Is that right?

Mr. CADIGAN. On the face.

Mr. KENNEDY. On the face. And they were indorsed on the back by Mr. Joseph Grace?

Mr. CADIGAN. That is correct.

Mr. KENNEDY. You compared the signature on the back of those checks, the Joseph Grace that appears there, with the genuine signature of Joseph Grace?

Mr. CADIGAN. That is correct.

Mr. KENNEDY. Do you find that the signatures on those 23 checks are forgeries?

Mr. CADIGAN. They are.

Mr. KENNEDY. Totaling \$4,986.28?

Mr. CADIGAN. I don't know what the total is.

Mr. KENNEDY. That is the total; \$4,986.

The CHAIRMAN. Counsel states they total that much. That can be verified by totaling up the amounts of the checks.

Mr. KENNEDY. That is not the signature of Mr. Joseph Grace, comparing it to the genuine signature that was submitted to you?

Mr. CADIGAN. It is not. They are forgeries.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. I ask you to examine this document I present to you, which appears to have five signatures, the genuine signatures, of Mr. Joseph E. Grace, certified to as his having written these signatures on March 4, 1958, by Mr. J. B. Flanagan. I will ask you if those are the signatures that you made the comparison with.

(The document was handed to the witness.)

Mr. CADIGAN. Yes; they are.

The CHAIRMAN. So if that is Grace's genuine signature there, then the signatures, the indorsements, on the checks are forgeries?

Mr. CADIGAN. That is correct.

The CHAIRMAN. Thank you very much. That last document may be made exhibit No. 13.

(The document referred to was marked "Exhibit No. 13" for reference and will be found in the appendix on p. 10811.)

Mr. KENNEDY. That is all.

Mr. Chairman, Mr. Grace is an important witness, he is president of the local, and received a number of other checks.

Before you leave, Mr. Cadigan, the forgery is the signature on the back of the checks, the indorsements? The forgery is not on the front of the checks?

Mr. CADIGAN. No. It is the indorsements.

The CHAIRMAN. Can you not compare the signature on the front of the check also with the indorsement on the back?

Mr. CADIGAN. Yes; I could.

But in any comparison of this type you rely on the known standards furnished. I didn't know as a matter of fact that the signatures on the front of the checks were in fact written by Grace.

The CHAIRMAN. Are the signatures on the face of the checks the same as the genuine signatures submitted here?

Mr. CADIGAN. I didn't make that comparison.

The CHAIRMAN. Can you make that comparison now?

Mr. CADIGAN. Not in a matter of—

The CHAIRMAN. You have to make it down at your lab?

Mr. CADIGAN. Yes. It would take some time.

The CHAIRMAN. Very well.

Mr. KENNEDY. I think most of these, Mr. Chairman, are stamped on anyway, the signatures are stamped on.

The CHAIRMAN. On the checks?

Mr. KENNEDY. Yes; by a checkwriting machine.

The CHAIRMAN. I assume that is from his genuine signature, then.

Mr. KENNEDY. I don't know whether they can make comparisons with stamps. But anyway, it was the indorsement on the checks.

Mr. Joseph Grace received a considerable amount of other money from the union, and we would like to call him as a witness now to explain these checks, and also explain the operation of local 107.

The CHAIRMAN. Mr. Grace, come forward, please.

Mr. Grace, do you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. GRACE. I do.

#### TESTIMONY OF JOSEPH E. GRACE, ACCOMPANIED BY HIS COUNSEL, JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ

Mr. CARROLL. Mr. Chairman, as you know, Mr. Grace has a fairly serious heart condition. His doctor is here. I wonder if we might have permisison to have the doctor sit behind him.

The CHAIRMAN. The doctor may come around.

Mr. Grace, state your name, your place of residence, and your business or occupation.

Mr. GRACE. Joseph E. Grace, 3541 Buck Road, Huntington Valley. I am president of highway truckdrivers and helpers local 107.

The CHAIRMAN. Thank you very much.

Doctor, will you identify yourself for the record?

Dr. TURSI. Dr. Joseph Tursi, Sunneytown, Philadelphia, Pa.

Mr. KENNEDY. Mr. Grace, how long have you been with local 107?

Mr. GRACE. Ever since it started in July 1933.

Mr. KENNEDY. And did you assist Mr. Cohen when he was running against Mr. Crumbock back in 1954?

(Witness conferred with his counsel.)

Mr. GRACE. I refuse to answer on the grounds that it may incriminate me.

Mr. KENNEDY. You are president of local 107 of the Brotherhood of Teamsters and you refuse to answer the question on whether you supported and assisted Mr. Cohen; is that right?

Mr. GRACE. I refuse to answer; yes.

Mr. KENNEDY. Where did the money come from for Mr. Cohen's campaign?

Mr. GRACE. I refuse to answer on the ground it may incriminate me.

The CHAIRMAN. Did you steal it from the union?

Mr. GRACE. I refuse to answer on the ground it may incriminate me.

The CHAIRMAN. If you stole it, it would incriminate you. Did you steal it from the union?

Mr. GRACE. I refuse to answer, Senator, for the same reason.

Mr. KENNEDY. Could he examine these checks?

The CHAIRMAN. I present to you a series of checks, 23 in number, I believe, representing an expenditure of some four-thousand-nine-hundred-odd dollars.

The checks apparently were issued by you as president and by Mr. Cohen as secretary, I believe, and they appear to have your endorsement on the back of them.

I ask you to examine those checks and state if you identify them.

(Documents were handed to the witness.)

(Witness conferred with his counsel.)

The CHAIRMAN. Have you examined the checks?

Mr. GRACE. Yes, sir.

The CHAIRMAN. Do you identify them as photostatic copies of checks that were issued by the union?

Mr. GRACE. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. Is there something on them that might incriminate you?

Mr. GRACE. I refuse to answer on the grounds it may incriminate me.

The CHAIRMAN. Is your signature on those checks?

Mr. GRACE. I refuse to answer on the grounds it may incriminate me.

The CHAIRMAN. Is that your endorsement on the checks?

Mr. GRACE. I refuse to answer on the grounds it may incriminate me.

The CHAIRMAN. What are you afraid of?

Mr. GRACE. I am afraid that——

The CHAIRMAN. Are you afraid that you would get incriminated?

(Witness conferred with his counsel.)

Mr. GRACE. Not to give evidence against myself under the fifth amendment.

The CHAIRMAN. If you told the truth about them, you think you would be giving evidence against yourself?

Mr. GRACE. I don't know.

The CHAIRMAN. Sir?

Mr. GRACE. I don't know.

The CHAIRMAN. You think you might?

Mr. GRACE. Yes.

The CHAIRMAN. I suspect you would. Proceed.

Mr. KENNEDY. Mr. Grace, Mr. Cohen actually runs and operates this union, does he not?

(Witness conferred with his counsel.)

Mr. GRACE. Since I have been sick somebody has to do it.

Mr. KENNEDY. Even before. Since he was made secretary-treasurer, he is the one that actually runs the union, is he not?

Mr. GRACE. No, sir.

Mr. KENNEDY. Did you run the union?

Mr. GRACE. Yes, sir.

Mr. KENNEDY. Were union funds used to finance Mr. Cohen's yacht?

Mr. GRACE. I refuse to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. If you ran the union, did you take any steps to stop Mr. Cohen from using union funds to run his yacht?

Mr. GRACE. I refuse to answer on the grounds it may incriminate me.

Mr. KENNEDY. Were union funds used to bring Mr. Cohen's family to Florida in the winter?

Mr. GRACE. I refuse to answer on the grounds it may incriminate me.

Mr. KENNEDY. Were union funds used to support Mr. Cohen's home in Florida?

Mr. GRACE. I refuse to answer on the grounds it may incriminate me.

Mr. KENNEDY. Were union funds used to purchase items of clothing, and other items, personal items, for Mr. Cohen?

Mr. GRACE. I refuse to answer on the grounds it may incriminate me.

Mr. KENNEDY. Wasn't this union in fact run and operated by Mr. Cohen, with the help and assistance of Mr. Lapensohn?

Mr. GRACE. I refuse to answer on the grounds it may incriminate me.

Mr. KENNEDY. Were any favors granted to certain employers in Philadelphia by Mr. Cohen?

Mr. GRACE. Not to my knowledge. Never.

Mr. KENNEDY. You don't know of any?

Mr. GRACE. Never.

Mr. KENNEDY. Was Mr. Lapensohn on the payroll of any employers in the city of Philadelphia?

Mr. GRACE. I refuse to answer on the grounds it might incriminate me.

Mr. KENNEDY. Did Mr. Lapensohn receive any moneys from any employers at the same time he was receiving money from the union?

Mr. GRACE. I refuse to answer on the grounds it might incriminate me.

Mr. KENNEDY. Did Mr. Cohen receive any money from employers at the same time he was on the union payroll?

Mr. GRACE. I refuse to answer on the grounds that it might incriminate me.

Mr. KENNEDY. Did you receive any moneys from any employer while president of the union?

Mr. GRACE. Never.

Mr. KENNEDY. You never?

Mr. GRACE. Never.

Mr. KENNEDY. What about Mr. Cohen?

Mr. GRACE. Never.

Mr. KENNEDY. You said you refused to answer before. Did Mr. Cohen—are you testifying under oath that you know of no time that



Mr. Cohen received any funds, any moneys, from any employer during the period of time he was secretary-treasurer?

Mr. GRACE. Never. Even when we was business agents together.

Mr. KENNEDY. You don't know of any time?

Mr. GRACE. Never.

Mr. KENNEDY. What about Mr. Lapensohn?

Mr. GRACE. I refuse to answer on the grounds it might incriminate me.

Mr. KENNEDY. What was the arrangement as far as Mr. Lapensohn receiving money?

Mr. GRACE. I refuse to answer on the grounds it may incriminate me.

Mr. KENNEDY. Do you have some information that Mr. Lapensohn received money?

Mr. GRACE. I refuse to answer on the grounds it may incriminate me.

Mr. KENNEDY. Did Mr. Lapensohn receive any money from any of the chainstores in Philadelphia?

Mr. GRACE. I refuse to answer on the grounds it may incriminate me.

Mr. KENNEDY. Did you receive any money from the chainstores in Philadelphia?

Mr. GRACE. Never.

Mr. KENNEDY. Did Mr. Cohen receive any moneys from the chainstores?

Mr. GRACE. Never to my knowledge.

Mr. KENNEDY. Do you know if Mr. Cohen received any money through Mr. Lapensohn?

Mr. GRACE. Never to my knowledge.

Mr. KENNEDY. Did Mr. Cohen and Mr. Lapensohn have a financial arrangement?

Mr. GRACE. I refuse to answer on the grounds that it may incriminate me.

Mr. KENNEDY. Did Mr. Lapensohn pay some of Mr. Cohen's bills?

Mr. GRACE. I refuse to answer on the grounds it may incriminate me.

Mr. KENNEDY. Did Mr. Lapensohn ever receive any gift of stock from any chainstores in Philadelphia?

Mr. GRACE. I refuse to answer on the grounds it may incriminate me.

Mr. KENNEDY. Did Mr. Cohen ever receive, to your knowledge, a gift of stock from any chainstore in Philadelphia?

Mr. GRACE. Never.

Mr. KENNEDY. But you refuse to answer on Mr. Lapensohn, is that right?

Mr. GRACE. I refuse to answer; yes.

Mr. KENNEDY. Do you have some information on that?

Mr. GRACE. I refuse to answer.

Mr. KENNEDY. Did you turn that information over to the membership of the union? Did you turn that information over—

Mr. GRACE. I refuse to answer on the grounds it might incriminate me.

Mr. KENNEDY. You signed all the checks that went out of the union. Did any of it go to Mr. Cohen personally?

Mr. GRACE. I refuse to answer on the grounds it might incriminate me.

Mr. KENNEDY. Isn't it a fact that large sums of money that came out of the local union went to Mr. Cohen, checks to cash which were used to pay Mr. Cohen's personal bills?

Mr. GRACE. I refuse to answer on the grounds it might incriminate me.

Mr. KENNEDY. Wasn't Mr. Papensohn around the union office as a fixer? Wasn't that his job?

Mr. GRACE. I refuse to answer on the grounds it might incriminate me.

Mr. KENNEDY. I think, Mr. Charman, that the evidence as has been developed and which will be developed, will show that Mr. Cohen and Mr. Lapensohn were the ones who in fact ran and operated the union, and that Mr. Grace's position was chiefly that of signing the checks.

The CHAIRMAN. You were just a figurehead up there?

Mr. GRACE. No, sir, I don't think so.

The CHAIRMAN. You take the full responsibility for this crookedness?

Mr. GRACE. Well, since I have been sick, I haven't taken responsibility.

The CHAIRMAN. When did you get sick?

Mr. GRACE. About 4 years ago.

The CHAIRMAN. How many?

Mr. GRACE. About 4 years ago.

The CHAIRMAN. You don't know much of what has happened since then, do you?

Mr. GRACE. No. I just come in occasionally, when Cohen needs assistance or something.

The CHAIRMAN. You just sign whatever Cohen hands out?

Mr. GRACE. Well, he got to keep the union running, Senator.

The CHAIRMAN. Keep what?

Mr. GRACE. You got to keep the union running.

The CHAIRMAN. I know you have. You are not thoroughly informed of what the money is spent for, are you?

Mr. GRACE. Not thoroughly.

The CHAIRMAN. In other words, whatever Cohen presents to you and says, "Here, sign this" you sign it?

Mr. GRACE. I know he is honest.

The CHAIRMAN. I didn't understand you.

Mr. GRACE. I know he is honest.

The CHAIRMAN. You know he is honest?

Mr. GRACE. I know it; yes.

The CHAIRMAN. I don't see why you can't tell about it, then, whether he has been getting money from the union or not, if he is honest, and you know he is.

Mr. GRACE. I don't know of any that he got from the union.

The CHAIRMAN. Questions were asked you about giving money to run his yacht out of the union. You took the fifth amendment on it.

Mr. GRACE. I refuse to answer on the ground that it may incriminate me.

The CHAIRMAN. Yet you say you know he is honest.

Mr. GRACE. I know he is honest.

The CHAIRMAN. If he is honest, how could it incriminate either you or him?

Mr. GRACE. It might be some evidence there somewhere.

The CHAIRMAN. It would have to be evidence of some dishonesty or something, some immoral act or something to incriminate you, wouldn't it?

Mr. GRACE. There might be some evidence there somewhere.

The CHAIRMAN. You got a pretty strong suspicion there, haven't you?

Mr. GRACE. No, I haven't.

The CHAIRMAN. Then why can't you answer the question?

Mr. GRACE. Because it might be evidence against me.

The CHAIRMAN. If he hasn't been getting any money improperly, you say he is honest, and you know him, why can't you say he hasn't gotten any improperly?

Mr. GRACE. It still might be evidence somewhere.

The CHAIRMAN. Even if he hadn't gotten it, it might be evidence against you?

Do you think, then, that he should have gone in and gotten some?

Mr. GRACE. Senator, I know Cohen is honest.

The CHAIRMAN. Are there any other questions?

Mr. KENNEDY. On the question of Cohen's honesty, he had a home in Florida, a home that he rented in Florida?

Mr. GRACE. Yes, he did.

Mr. KENNEDY. And did he ever use any union funds to pay rent of that home?

(The witness conferred with his counsel.)

Mr. GRACE. The membership voted for a paid vacation in Florida.

Mr. KENNEDY. Were union funds ever used to pay the rent on Mr. Cohen's home in Florida?

Mr. GRACE. Yes, it was.

Mr. KENNEDY. What?

Mr. GRACE. Yes. Yes, sir.

Mr. KENNEDY. They were used?

Mr. GRACE. Yes, sir.

Mr. KENNEDY. Union funds.

How much union funds were used to pay the rent for Mr. Cohen's home?

Mr. GRACE. I really don't know.

Mr. KENNEDY. Well, you signed the check, did you not?

Mr. GRACE. I don't remember.

Mr. KENNEDY. For how many years did that go on?

(The witness conferred with his counsel.)

Mr. GRACE. It must have went on as long as I was sick.

Mr. KENNEDY. While you were sick?

Mr. GRACE. Yes.

Mr. KENNEDY. What about his boat down there? Who paid for that? That is, to keep his boat up.

Mr. GRACE. I guess he paid for it.

Mr. KENNEDY. Were any union funds——

Mr. GRACE. Not that I know of.

Mr. KENNEDY. You don't know of any union funds that were used for the upkeep of his yacht?

Mr. GRACE. No, sir.

Mr. KENNEDY. You do not know of any union funds?

(The witness conferred with his counsel.)

Mr. KENNEDY. Let me ask you this:

Do you know of any union funds that were used to pay for the equipment on his yacht?

(The witness conferred with his counsel.)

Mr. KENNEDY. You said he is honest. If we bring to your attention—

Mr. GRACE. I don't know of any.

Mr. KENNEDY. Then would you feel that he is dishonest if we can bring evidence to your attention that he did use such funds? You don't know of any money that he used for that purpose?

Mr. GRACE. No, I do not, honestly.

Mr. KENNEDY. Would you be surprised if there is such evidence?

Mr. GRACE. Yes, I would.

Mr. KENNEDY. What about bringing his family to Florida? Who paid for that?

Mr. GRACE. Well, the union membership voted for his family and my family.

Mr. KENNEDY. Your family went to Florida, too?

Mr. GRACE. Yes, sir.

Mr. KENNEDY. And the union paid for that?

Mr. GRACE. Yes, sir.

Mr. KENNEDY. When was this?

Mr. GRACE. In January sometime.

Mr. KENNEDY. Did your family go to Florida every year?

Mr. GRACE. Every year the vacation in Florida was due.

Mr. KENNEDY. How long did your family go to Florida for?

Mr. GRACE. My family went there ever since I was president.

Mr. KENNEDY. And the union paid for their transportation down there?

Mr. GRACE. Yes, sir.

Mr. KENNEDY. And paid for the hotel bill down there?

Mr. GRACE. Yes, sir.

Mr. KENNEDY. And paid for their transportation back?

Mr. GRACE. Yes, sir.

Mr. KENNEDY. How long would they be down there for?

Mr. GRACE. I generally used to stay 2 weeks.

Mr. KENNEDY. How long was your family down there for?

Mr. GRACE. Two weeks.

Mr. KENNEDY. And the union paid all of those bills?

Mr. GRACE. Yes.

Mr. KENNEDY. Besides you and Mr. Cohen, who else did they pay for sending their families to Florida?

Mr. GRACE. Crumback, when he was there.

Mr. KENNEDY. When he was there prior to Mr. Cohen?

Mr. GRACE. Yes.

Mr. KENNEDY. They paid his way to Florida?

Mr. GRACE. Yes.

Mr. KENNEDY. Did you go down then, too?

Mr. GRACE. Yes.

Mr. KENNEDY. You have been going down for more than 4 years?

Mr. GRACE. I have been going ever since I was president.

Mr. KENNEDY. And the union has been paying the bills ever since you were president and have been paying the bills for your family?

Mr. GRACE. Yes.

Mr. KENNEDY. And they paid for Mr. Crumback prior to that?

Mr. GRACE. Yes.

Mr. KENNEDY. You, Mr. Crumback, and Mr. Cohen. Who else?

Mr. GRACE. Nobody else that I know of.

Mr. KENNEDY. Just the three of you.

What about the personal bills? Did the union purchase any shirts or shoes for you?

Mr. GRACE. I refuse to answer on the ground it may incriminate me.

Mr. KENNEDY. What about Mr. Cohen?

Mr. GRACE. I refuse to answer on the ground it may incriminate me.

Mr. KENNEDY. Mr. Cohen is very honest. Would you consider that—

Mr. GRACE. I refuse to answer on the ground it may incriminate me.

Mr. KENNEDY. Mr. Cohen is honest. Would you consider the fact that he was using union funds to buy himself personal clothing—would that be considered by you dishonest?

Mr. GRACE. I refuse to answer on the ground that it might incriminate me.

The CHAIRMAN. What are your standards of honesty?

Mr. GRACE. I just know the man is honest, Senator. What do you have to do to find out a man is honest?

The CHAIRMAN. Even if he has been stealing from the union he is still honest?

Mr. GRACE. No, he is not stealing from the union.

The CHAIRMAN. Why can't you explain it, then? Why can't you tell us the story if there have not been union funds stolen?

Mr. GRACE. It might be evidence against me.

The CHAIRMAN. Well, it would not be evidence against an honest man unless he has done something dishonest. You can't rationalize a statement like that. It might be evidence against him, yet you know he is honest.

Proceed.

Mr. GRACE. Senator, for your information, I never done a dishonest thing I know of in my life.

The CHAIRMAN. Maybe you haven't. Why not tell us what you did?

Mr. GRACE. It might be evidence against me.

The CHAIRMAN. "It might be evidence against me."

Well, evidence against an honest man that he never did anything dishonest doesn't hurt him.

Mr. KENNEDY. Have any of the checks been made payable to cash in the union and taken personally by Mr. Cohen?

Mr. GRACE. I refuse to answer on the ground it may incriminate me.

Mr. KENNEDY. You refuse to answer that question about this honest man, Mr. Cohen?



Mr. GRACE. That is right.

Mr. KENNEDY. If he is so honest, I think you could tell us.

Mr. GRACE. It might be evidence against me. That is what I said before.

Mr. KENNEDY. Have you ever taken the money of the union, made checks to cash, and then taken them for yourself?

Mr. GRACE. Not to my knowledge.

Mr. KENNEDY. If it is not to your knowledge, then it couldn't incriminate you. You answered that question about yourself. What about Mr. Cohen?

Mr. GRACE. That might be evidence against me.

Mr. KENNEDY. You refuse to tell about Mr. Cohen?

Mr. GRACE. I refuse to talk about Mr. Cohen being dishonest in any way.

The CHAIRMAN. Why don't you help clear this up? It looks like from the record he is pretty dishonest. If you want to help the man, tell the truth about him. Quit taking the fifth amendment.

Mr. GRACE. I don't want to give evidence against myself.

The CHAIRMAN. You don't want to give evidence against your friend—period.

Mr. GRACE. Myself.

Mr. KENNEDY. He has been very nice to you, I guess, hasn't he?

Mr. GRACE. Very good.

Mr. KENNEDY. You have been sick for 4 years and he has kept you on as president of the union, and every couple of weeks you come down and pick up your salary?

Mr. GRACE. The membership has kept me on.

Mr. KENNEDY. Every two weeks do you come down and pick up your salary? Do you have to stay home most of the time?

Mr. GRACE. About once or twice here lately I have been getting in about three times a week.

Mr. KENNEDY. But you have been sick for 4 years?

Mr. GRACE. Yes.

Mr. KENNEDY. And he has had to operate and run the union for that period of time, since you have been sick?

Mr. GRACE. With my help a little bit.

Mr. KENNEDY. You haven't been able to help very much, have you?

Mr. GRACE. Well, not very much.

Mr. KENNEDY. So he has been very nice running the union for you, taking care of the money?

Mr. GRACE. It is his job to take care of the money.

Mr. KENNEDY. Well, he is taking care of it.

That is all.

The CHAIRMAN. Senator Ervin?

Senator ERVIN. Don't you have a plate to write checks with? Doesn't Mr. Cohen have a check plate to write checks with, with your signature on it?

(The witness conferred with his counsel.)

Mr. GRACE. Yes, sir.

Senator ERVIN. And he was——

Mr. GRACE. For a \$100 check.

Senator ERVIN. For what?

Mr. GRACE. For a \$100 check.

Senator ERVIN. In other words, he has in his possession, as secretary-treasurer of the local, a machine which would write a check anywhere up to \$100?

Mr. GRACE. Up to \$100.

Senator ERVIN. And it has your signature on the machine?

Mr. GRACE. Yes, sir.

Senator ERVIN. So he could issue checks without you being present to sign them; couldn't he?

Wasn't it up to \$1,000 instead of up to \$100?

Mr. GRACE. Yes; I think it was, Senator.

Senator ERVIN. So he could issue checks up to \$1,000 with this machine that would bear a facsimile of your signature without your being present; couldn't he?

Mr. GRACE. Yes, sir.

Senator ERVIN. An expert from the FBI testified about the endorsement of the checks that were shown to you when you first took the witness stand, and he testified that those endorsements were not your genuine signature, were not in your genuine handwriting. What do you say about that?

Mr. GRACE. I refuse to answer on the ground it may incriminate me.

Senator ERVIN. Was the FBI expert correct in his opinion that the endorsements were not your genuine signature?

Mr. GRACE. I refuse to answer on the ground it may incriminate me.

Senator ERVIN. Do you mean to say that they were your signatures, then?

Mr. GRACE. I refuse to answer on the ground that it may incriminate me.

Senator ERVIN. If they were forgeries not authorized by you, how could they incriminate you?

Mr. GRACE. I refuse to answer on the ground that it may incriminate me.

Senator ERVIN. They could not possibly incriminate you if they were made there without your consent and authority.

Mr. GRACE. It could be some evidence, Senator.

Senator ERVIN. Not if they are not made by you.

If they were forgeries, made without your knowledge or consent, they certainly couldn't incriminate you in any respect. It might incriminate somebody else.

Mr. GRACE. It could be some evidence there against me.

Senator ERVIN. Then you are testifying that you honestly believe that if you were to testify that those endorsements on those checks either were or were not in your genuine handwriting, it would tend to show you had committed some criminal offense?

Mr. GRACE. No; but there might be some evidence there.

Senator ERVIN. Might be some evidence tending to show that you had committed a criminal offense?

Mr. GRACE. It might be.

Senator ERVIN. Well, for the life of me, I wish you would explain, just for by educational purposes, how in the world, if you corroborated the testimony of the FBI agent that they were forgeries—I wish you would tell me how they could incriminate you.

Mr. GRACE. I said there might be some evidence there. I don't know.

Senator ERVIN. So you will not tell us whether the endorsements were or were not forged for fear that it might tend to incriminate you, regardless of how it was; is that what you say?

(The witness conferred with his counsel.)

Mr. GRACE. A truthful answer might incriminate me.

Senator ERVIN. That is all.

The CHAIRMAN. If there are no further questions, stand aside.

Call the next witness.

Mr. KENNEDY. James Sweeney and James Broadbent, who are both just members of the union.

The CHAIRMAN. Be sworn, each of you.

Do you, and each of you, solemnly swear the evidence you shall give before the Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SWEENEY. I do.

Mr. BROADBENT. I do.

**TESTIMONY OF JAMES SWEENEY AND JAMES BROADBENT, ACCOMPANIED BY COUNSEL, JOHN ROGER CARROLL AND RICHARD H. MARKOWITZ**

The CHAIRMAN. State your names, your place of residence, and your business or occupation.

Mr. SWEENEY. James Sweeney, 1923 North Hope Street, Philadelphia; driver.

The CHAIRMAN. A truckdriver?

Mr. SWEENEY. Yes.

Mr. BROADBENT. My name is James Broadbent, 2966 North Lawrence Street, Philadelphia, Pa.; truckdriver, Schine's Express.

The CHAIRMAN. I will ask you, Mr. Broadbent, if you can hear us.

Mr. CARROLL. He has a little trouble, as you know, Senator, but he is using a hearing aid.

The CHAIRMAN. I am trying to speak louder so he can understand.

Mr. CARROLL. He says with the aid of his hearing aid, he will be able to make it without this. We will use it if it becomes necessary.

The CHAIRMAN. If you do not understand, indicate it.

Mr. KENNEDY. Mr. Sweeney, how long have you been with the union?

Mr. SWEENEY. Approximately 24 years.

Mr. KENNEDY. As a member of local 107?

Mr. SWEENEY. Yes, sir.

Mr. KENNEDY. You are a truckdriver at the present time?

Mr. SWEENEY. Yes, sir.

Mr. KENNEDY. For Norwalk Transportation?

Mr. SWEENEY. Yes, sir.

Mr. KENNEDY. Did you support Mr. Cohen in his campaign against Crumback?

Mr. SWEENEY. I refuse to answer that question for fear it may incriminate me, under the fifth amendment.

Mr. KENNEDY. Did you contribute money to Mr. Cohen's campaign?

Mr. SWEENEY. I refuse to answer that question because it might incriminate me, under the fifth amendment.

Mr. KENNEDY. Your signature appears on the back of page 3, line 1, in the list of persons receiving cash from local 107, and the sum of \$150 appears opposite your name. Did you receive that money?

Mr. SWEENEY. I refuse to answer that question on the ground it might incriminate me.

The CHAIRMAN. Present to the witness exhibit No. 5, where his name is and the amount of money that he is supposed to have received.

(A document was handed to the witness.)

The CHAIRMAN. Is that your writing, Mr. Sweeney?

Mr. SWEENEY. I refuse to answer that question on the ground it might incriminate me.

The CHAIRMAN. Did you get that money?

Mr. SWEENEY. I refuse to answer that question.

The CHAIRMAN. Was it stolen money?

Mr. SWEENEY. I refuse to answer that question.

The CHAIRMAN. Did you receive it knowing it was stolen?

Mr. SWEENEY. I refuse to answer that question.

The CHAIRMAN. Do you think it was stolen?

Mr. SWEENEY. I refuse to answer that question for the same reason.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Did you ever receive any other sums of money from Mr. Cohen after he was made secretary-treasurer?

Mr. SWEENEY. I receive—I refuse to answer that question on the ground it might incriminate me.

Mr. KENNEDY. Did you ever do any work for the local for which you received money?

Mr. SWEENEY. I refuse to answer that question.

Mr. KENNEDY. Your name appears on at least one other list as having received money. Did you receive any other money?

Mr. SWEENEY. I refuse to answer that question for the same reason.

Mr. KENNEDY. This is on the question of union funds. I want to ask you whether you are paying your attorneys.

Mr. SWEENEY. No. No; the attorneys are being paid by the local.

Mr. KENNEDY. The local secured the attorneys for you?

Mr. SWEENEY. It has been a practice of our local all the years I have been a member there.

Mr. KENNEDY. Did the local secure your attorneys for you?

Mr. SWEENEY. Yes; they did.

Mr. KENNEDY. Mr. Broadbent, you have been a member of local 107 for how long?

Mr. BROADBENT. Approximately 14 years.

Mr. KENNEDY. Did you support Mr. Cohen?

Mr. BROADBENT. Repeat that, sir.

Mr. KENNEDY. Did you support Mr. Cohen in his election?

Mr. BROADBENT. I refuse to answer that question.

The CHAIRMAN. Just a moment.

Mr. BROADBENT. I refuse to answer that question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you receive any money from Mr. Cohen after you supported him in the election?

Mr. BROADBENT. I refuse to answer that question on the ground that I am not required to give evidence against me under the fifth amendment.

Mr. KENNEDY. Was that union money that you received?

Mr. BROADBENT. I refuse to answer that question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. The union secured your attorneys for you?

Mr. BROADBENT. Yes; they did.

Mr. KENNEDY. They are paying them? The union is paying your attorneys?

Mr. BROADBENT. Yes; they are.

Mr. KENNEDY. Did you attend any meeting, Mr. Broadbent, of the local officials, local members, where you were told that you should take the fifth amendment when appearing before the committee?

(The witness conferred with his counsel.)

Mr. CARROLL. Would you mind saying that a little louder, please?

Mr. KENNEDY. Did you attend any meeting of the membership of local 107 or of any officials of local 107, at which you were told that you should take the fifth amendment when appearing before the committee?

(The witness conferred with his counsel.)

Mr. BROADBENT. I don't remember.

Mr. KENNEDY. You don't remember?

Let me pinpoint the date. In the last 3 weeks?

Mr. CARROLL. You are not now referring to the March meeting?

Mr. KENNEDY. Is that in the last 3 weeks?

Mr. CARROLL. I would not think so.

Mr. KENNEDY. In the last 4½ or last 5 weeks. Any meeting. I am not restricting it to the March meeting. Any meeting.

(The witness conferred with his counsel.)

Mr. KENNEDY. Any time?

(The witness conferred with his counsel.)

Mr. BROADBENT. No, sir.

Mr. KENNEDY. You were not?

Mr. BROADBENT. No, sir.

Mr. KENNEDY. Was it ever suggested to you that you should take the fifth amendment in appearing before the committee?

Mr. BROADBENT. No, sir.

Mr. KENNEDY. Did you attend a meeting on March 16, Sunday, March 16?

Mr. BROADBENT. No, sir.

Mr. KENNEDY. Were you ever told that whatever time that you lost down here you would be reimbursed for when you returned to Philadelphia?

(The witness conferred with his counsel.)

Mr. BROADBENT. No. No, sir.

Mr. KENNEDY. You were not?

Mr. BROADBENT. No, sir.

Mr. KENNEDY. You were never given that information by anyone; is that right?

Mr. BROADBENT. No, sir.



Mr. KENNEDY. What about you, Mr. Sweeney?

Mr. SWEENEY. No, sir; I was never told.

Mr. KENNEDY. You were never told that you would be reimbursed?

Mr. SWEENEY. Yes; I was told they would make up the difference in the pay down here.

Mr. KENNEDY. When was that?

Mr. SWEENEY. It was told when it was told to all at the general membership meeting.

Mr. KENNEDY. When was it told to you?

Mr. SWEENEY. At the membership meeting.

Mr. KENNEDY. When was that?

Mr. SWEENEY. March 16, I guess.

Mr. KENNEDY. Was that a general membership meeting?

Mr. SWEENEY. Yes; it was.

Mr. KENNEDY. Was there any meeting prior to the general membership meeting?

Mr. SWEENEY. We have a general membership meeting every third Sunday of the month, and have had them since I was in the organization.

Mr. KENNEDY. Was there any meeting prior to that?

Mr. SWEENEY. Well, the month before, and the month before that.

Mr. KENNEDY. On the same day, other than the regular membership meeting, did you have an informal meeting?

Mr. SWEENEY. No.

Mr. KENNEDY. You just went to the general membership meeting?

Mr. SWEENEY. That is right, sir.

Mr. KENNEDY. Was it announced at that time that you would be reimbursed for any time lost?

Mr. SWEENEY. Well, it was put up to the body of members, and they accepted it.

Mr. KENNEDY. How many people were there at the meeting?

Mr. SWEENEY. Well, that is a pretty difficult question to answer.

Mr. KENNEDY. Approximately?

Mr. SWEENEY. Well, approximately three or four thousand, I guess.

Mr. KENNEDY. How many people does this meeting hall hold?

Mr. SWEENEY. Well, every member is entitled to go to a meeting. We have our advertisement put out in all garages.

Mr. KENNEDY. I understand that. What I want to know is how big the meeting hall was.

Mr. SWEENEY. The meeting hall will hold quite a few thousand.

Mr. KENNEDY. Do you know how many?

Mr. SWEENEY. I never went and counted them.

Mr. KENNEDY. Does it hold a couple of thousand, 3,000, five?

Mr. SWEENEY. It could hold six or seven thousand. I don't know.

Mr. KENNEDY. Where is this hall?

Mr. SWEENEY. The Moose Hall, on Broad Street.

Mr. KENNEDY. Was it filled?

Mr. SWEENEY. Filled to capacity, with standing.

Mr. KENNEDY. You didn't attend the meeting; is that right, Mr. Broadbent?

Mr. BROADBENT. No, sir.

Mr. MARKOWITZ. Are you asking Mr. Sweeney?

Mr. KENNEDY. He answered the question.

During the period of time since Mr. Cohen was elected secretary-treasurer, have you received any union funds from him in the form of cash, Mr. Sweeney?

Mr. SWEENEY. I refuse to answer that question.

Mr. KENNEDY. Mr. Broadbent?

Mr. BROADBENT. I refuse to answer that question.

Mr. KENNEDY. That is all.

The CHAIRMAN. Are there any questions, Senator?

Senator ERVIN. Mr. Sweeney, when did you decide you were going to plead the fifth amendment?

Mr. SWEENEY. I was never instructed about it.

Senator ERVIN. When did you decide? The determination to plead the fifth amendment originated with you, yourself?

Mr. SWEENEY. Yes, sir.

Senator ERVIN. It was your notion?

Mr. SWEENEY. Yes, sir.

Senator ERVIN. When did you decide you were going to plead it?

Mr. SWEENEY. Whatever questions were asked me that I figured would incriminate myself, that is when I figured I should take the fifth amendment.

Senator ERVIN. You decided that on your own?

Mr. SWEENEY. On my own.

Senator ERVIN. If you decided that, that notion originated inside your own head?

Mr. SWEENEY. Yes, sir.

Senator ERVIN. And you never talked to anybody about pleading the fifth amendment?

Mr. SWEENEY. No, sir.

Senator ERVIN. And you never had any conversations about it with Mr. Cohen?

Mr. SWEENEY. No, sir.

Senator ERVIN. Did you ever hear Mr. Cohen say anything about pleading the fifth amendment?

Mr. SWEENEY. No, sir.

Senator ERVIN. Mr. Broadbent, did the notion of pleading the fifth amendment also originate in your head? Did you ever discuss the question of pleading the fifth amendment with anybody?

Mr. BROADBENT. Would you repeat that again, sir?

Senator ERVIN. Did you ever discuss the question of pleading the fifth amendment with Mr. Cohen or anybody else?

Mr. BROADBENT. No, sir, I did not.

Senator ERVIN. And it originated in your head?

Mr. BROADBENT. Would you speak that over again, please?

Senator ERVIN. The idea of pleading the fifth amendment occurred to you and was not suggested to you by anybody?

Mr. BROADBENT. No, sir.

Senator ERVIN. You have one of those slips of paper, don't you, with how to plead the fifth amendment on it?

(The witness conferred with his counsel.)

Mr. BROADBENT. Certainly.

Senator ERVIN. How did that get into your possession?

(The witness conferred with his counsel.)

Mr. BROADBENT. I got it from my attorney.

Senator ERVIN. What did you say?

Mr. BROADBENT. I got it from my attorney.

Senator ERVIN. You got it from your attorney. But how did you happen to know your attorney had it?

Mr. BROADBENT. I asked him.

Senator ERVIN. You asked him. It never was suggested to you by anybody to ask him, your attorney, for it?

Mr. BROADBENT. No, sir; it was not.

Senator ERVIN. So that notion also originated in your own head, of making inquiry for it.

That is all.

The CHAIRMAN. Are there any other questions?

All right, you may stand aside.

I have conferred with counsel and it appears that we couldn't possibly get through with all these fifth amendment witnesses this afternoon. It obviously becomes a little tiring. For that reason, we are going to recess at this time.

So far, it is certainly indicated that this is one of the foulest situations that the committee has inquired into. I hope those who think no legislation is needed to protect honest working people, who have been listening in, will get a little information about what goes on in some places. I think legislation is definitely needed to correct what we have been listening to here today and yesterday.

The committee will stand in recess until 10:30 in the morning.

(Whereupon, at 4:30 p. m., the committee recessed, to reconvene at 10:30 a. m., Thursday, April 17, 1958.)

(Members of the committee present at the taking of the recess were: Senators McClellan and Ervin.)



# INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

THURSDAY, APRIL 17, 1958

UNITED STATES SENATE,  
SELECT COMMITTEE ON IMPROPER ACTIVITIES  
IN THE LABOR OR MANAGEMENT FIELD,  
*Washington, D. C.*

The select committee met at 10:30 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in the Caucus Room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator John F. Kennedy, Democrat, Massachusetts; Senator Carl Curtis, Republican, Nebraska; Senator Karl Mundt, Republican, South Dakota.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; John B. Flanagan, investigator; Leo C. Nulty, investigator; Herbert J. Rose, Jr., investigator; Ralph DeCarlo, investigator; Ruth Young Watt, chief clerk.

(At the start of the hearing, the following members are present: Senators McClellan and Ives.)

The CHAIRMAN. The committee will come to order.

Mr. KENNEDY. Mr. Chairman, we might call another very important official of the Teamsters Union in Philadelphia, Mr. Edward Walker, who is the recording secretary.

The CHAIRMAN. Mr. Walker, come forward, please. Be sworn.

You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WALKER. I do.

## TESTIMONY OF EDWARD WALKER, ACCOMPANIED BY HIS COUNSEL, JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ

The CHAIRMAN. Mr. Walker, state your name, your place of residence, and your business or occupation.

Mr. WALKER. Edward Walker, recording secretary, business agent, Philadelphia, Pa.

The CHAIRMAN. You are business agent and recording secretary of Local 107, Teamsters?

Mr. WALKER. That is correct, sir.

The CHAIRMAN. How long have you held that position?

Mr. WALKER. Since around June 1954, sir.

The CHAIRMAN. Is your position that of secretary and treasurer?



Mr. WALKER. Recording secretary.

The CHAIRMAN. Recording secretary. That is what I thought. Proceed, Mr. Counsel.

Mr. KENNEDY. What are your responsibilities as recording secretary?

Mr. WALKER. To take the minutes of the meetings.

Mr. KENNEDY. Do you have any other responsibilities?

Mr. WALKER. Just the reading of the minutes.

Mr. KENNEDY. The reading of the minutes?

Mr. WALKER. Yes, sir.

Mr. KENNEDY. Do you have any control over the finances of the union?

Mr. WALKER. No, sir, I do not.

Mr. KENNEDY. Do you handle any of the cash of the union?

Mr. WALKER. No, sir.

Mr. KENNEDY. You never do?

Mr. WALKER. No, sir.

Mr. KENNEDY. Are you responsible at any time for giving cash to any of the members of local 107, or any of the other officers of 107?

(The witness conferred with his counsel.)

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Do you know any of those people who were responsible for any of the violence in connection with the strikes that 107 was interested in?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Do you know who was responsible for the beatings that were administered to those who opposed Mr. Cohen?

(The witness conferred with his counsel.)

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Have you made payments to any of the individuals that administered any of these beatings?

(The witness conferred with his counsel.)

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. Just a moment. Is it true that the union pays those thugs who beat up people? Are you going to refuse to answer that on the ground of the fifth amendment and leave the impression here, the implication, that your union takes union money dues and pays thugs to beat up people? Do you want to leave the record like that?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. If you testified, would you be testifying against yourself? Were you a party to the acts?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. Are you proud of your implication in that kind of operation?

(The witness conferred with his counsel.)

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. Well, it is a peculiar kind of pride, if you have it. Proceed.

Mr. KENNEDY. Did you support Mr. Cohen?

(The witness conferred with his counsel.)

Mr. KENNEDY. That is, in his bid for election.

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Did you pay any money, give him any money to further his election?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Were you repaid out of union funds?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Do you know Mr. Benjamin Lapensohn?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Have you personally received any money from any employers in the Philadelphia area?

(The witness conferred with his counsel.)

Mr. WALKER. Pardon me, sir.

(The witness conferred with his counsel.)

Mr. WALKER. No, sir; I have not.

Mr. KENNEDY. You never have received any money?

Mr. WALKER. No, sir.

Mr. KENNEDY. Do you know if Mr. Cohen has ever received any money from any employers?

(The witness conferred with his counsel.)

Mr. WALKER. No, sir.

Mr. KENNEDY. Do you know if Mr. Benjamin Lapensohn has received any money from any employer?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. Did you get any of the money that he received?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. What was your cut?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. He only gave you a few crumbs, didn't he? You didn't get much out of it?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Now, Mr. Chairman, in addition to his other responsibilities, Mr. Walker's name appears on a number of these various lists of those individuals that received money from the union.

I would like to ask you as a general proposition whether those lists are accurate as to the amount of money that was received by the various individuals.

(The witness conferred with his counsel.)

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. The list that we have been talking about over the last few days shows that you received some \$180. Did you in fact receive the \$180?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Was the money that you received for the work that you did in Mr. Cohen's election?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. We also see a check here for \$412.01, to the Director of Internal Revenue. It is a check signed by Ben Lapensohn, and it indicates that it was to pay the taxes for Edward and Mildred Walker. Would you explain that to the committee?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. You have been having the union pay your income tax?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. Did you pay all the tax that you owed?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. Did the union membership authorize the payment of your taxes out of their dues?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. As recording secretary, is it your duty to keep the records of expenditures?

Mr. WALKER. No, sir; it is not.

The CHAIRMAN. Did you keep these records with respect to these payments?

Mr. WALKER. Pardon me, sir.

(The witness conferred with his counsel.)

The CHAIRMAN. Show him exhibit 5.

(The document was handed to the witness.)

The CHAIRMAN. Did you keep this record, exhibit No. 5, of the payments made to these individuals when that \$25,000 was disbursed?

(The witness conferred with his counsel.)

The CHAIRMAN. Come on and answer. I am getting tired of this, this morning. I am not going to warn you, Mr. Lawyer. Mr. Lawyer, I am not going to warn you but one more time.

Mr. WALKER. I am advised that I don't have to be a witness against myself under the fifth amendment.

The CHAIRMAN. The witness can answer these simple questions. If you want him to take the fifth amendment, tell him to. And let's get it over with. I mean what I am saying. You can either conform or else we can take care of it.

Mr. CARROLL. Mr. Chairman, I don't think that in the past 2 days or this morning I have been wasting the committee's time in any respect, and I don't intend to. I think you and I are in agreement that this witness has constitutional rights to consult with his counsel.

The CHAIRMAN. He has and I want him to exercise them if he wants to, but I want him to exercise them promptly. I am not going to let you sit here and put words in his mouth.

Mr. CARROLL. I am not putting words in his mouth, but I want to advise him properly.

The CHAIRMAN. All right. Proceed.

Mr. KENNEDY. Mr. Chairman, I would like to show Mr. Walker a number of these lists before we dismiss him.

The CHAIRMAN. I have shown him exhibit No. 5.

Did you keep that record?

Mr. CARROLL. He already answered that question, sir, or, rather, refused to answer that question.

The CHAIRMAN. Did you keep that record?

Mr. WALKER. I am advised that I don't have to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Mr. Chairman, there is a list here of the individuals whose names appear on the front page and on the back there are initials of the people, with numbers beside them.

We have here, EFW, \$100, although Edward F. Walker's name does not appear on any of these lists. His initials appear on the back. That occurs on a number of these various lists. I would like to ask him whether he, in fact, split up the money of those individuals whose names appear legitimately on the front of the list.

The CHAIRMAN. I present you what is in the nature of a receipt, stating—

The undersigned hereby certify that they have received amounts as indicated after their signatures for the time lost due to organizing activities.

It is signed. It shows a total of \$990, with a total list attached of those who are purported to have received the money. On the back of it, there are the initials, JG, \$25, and EFW, \$120. EFW may be the initials of Edward F. Walker. I ask you to examine this document and state if you identify it.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

The CHAIRMAN. Have you examined the document?

Mr. WALKER. I have examined the list.

The CHAIRMAN. Do you recognize it as a photostatic copy of the original?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. Are EFW your initials?

Mr. WALKER. Yes, they are.

The CHAIRMAN. EFW referred to on the back of this document that you have before you—

Mr. WALKER. Pardon me, sir.

(The witness conferred with his counsel.)

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. The question was, Does the EFW refer to you? I hadn't finished the question.

(The witness conferred with his counsel.)

(At this point, Senator Curtis entered the hearing room.)

Mr. WALKER. Pardon me, sir.

EFW is my initials, but that is not my handwriting.

The CHAIRMAN. I notice that it says, EFW, \$125. Did you get a \$125 kickback out of it?

Mr. WALKER. I am advised that I have the right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. I have a number of similar documents as that.

I will present them to you.

I believe there are four more which are similar. In each instance, they show on the back of them, apparently, a kickback to EFW, 1 in the amount of \$125, 1 in the amount of \$160, another in the amount of \$120, and another in the amount of \$125. I will ask you to examine these and see if you identify them and state whether you received that kickback.

(The documents were handed to the witness.)

(The witness conferred with his counsel.)

The CHAIRMAN. Have you examined the documents?

Mr. WALKER. No, sir, not yet.

(The witness conferred with his counsel.)

Mr. WALKER. I have examined the documents, sir.

The CHAIRMAN. Does that \$125, \$120, and the other amounts on the back following your initials represent a kickback to you?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. You don't want to acknowledge you got that money? You don't want to tell—

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. You don't want to tell how crooked that operation is?

Mr. WALKER. I am advised that I have a right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. These documents presented to the witness may be made exhibit 14.

(The documents referred to were marked "exhibit No. 14" for reference and may be found in the files of the select committee.)

The CHAIRMAN. Proceed.

Mr. KENNEDY. That is all.

The CHAIRMAN. Have you any questions, Senator Ives?

Senator IVES. No questions.

The CHAIRMAN. Senator Curtis?

Senator CURTIS. No questions.

The CHAIRMAN. You may stand aside.

Mr. WALKER. Thank you very much.

Mr. KENNEDY. I would like to call three of the members of the union, Mr. Charles F. Morris, Vincent McGovern, and Arthur Miller.

Mr. CARROLL. Arthur Miller has already been here and was excused.

Mr. KENNEDY. He was one of those who were excused?

Mr. CARROLL. Yes, sir.

Mr. KENNEDY. Mr. Shenko.

The CHAIRMAN. Be sworn, please. Do you and each of you solemnly swear the evidence you shall give before this Senate select



committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHENKO. I do.

Mr. McGOVERN. I do.

Mr. MORRIS. I do.

**TESTIMONY OF JOHN SHENKO, VINCENT McGOVERN, AND CHARLES F. MORRIS; ACCOMPANIED BY THEIR COUNSEL, JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ**

The CHAIRMAN. Beginning on my left, state your name, your place of residence, and your business or occupation.

Mr. SHENKO. John Shenko, 818 Tomlinson Road, Philadelphia, truckdriver.

The CHAIRMAN. The next gentleman, the one in the center, state your name and your place of residence and business or occupation.

Mr. McGOVERN. Vincent McGovern, 427 Cumberland Street, Gloucester, N. J., truck driver.

Mr. MORRIS. Charles F. Morris, 2125 N. 4th Street, Philadelphia, truck driver.

Mr. KENNEDY. Mr. Morris, how long have you been a member of local 107?

Mr. MORRIS. 18 years.

Mr. KENNEDY. Did you support Mr. Cohen in his election?

(The witness conferred with his counsel.)

Mr. MORRIS. I refuse to answer the question on the grounds I have the right to refuse and hold evidence against me under the fifth amendment.

The CHAIRMAN. Don't you have one of those slips so you can read it faster?

Mr. MORRIS. Nobody gave me a slip, sir.

The CHAIRMAN. They haven't? I don't know why they discriminated against you. Do your best.

Mr. KENNEDY. Is this your attorney here?

Mr. MORRIS. Yes, sir.

Mr. KENNEDY. Did the union secure the attorney for you?

Mr. MORRIS. Yes, sir.

Mr. KENNEDY. You are not paying him?

Mr. MORRIS. No, sir.

Mr. KENNEDY. Mr. Morris, you have received large sums of money from the union, have you not?

Mr. MORRIS. I refuse to answer the question on the same grounds.

Mr. KENNEDY. You received that money from Mr. Cohen?

Mr. MORRIS. I refuse to answer the question on the same grounds.

Mr. KENNEDY. We notice your name on 10 of these different lists. Are those lists accurate?

Mr. MORRIS. I still refuse to answer the question on the same grounds.

Mr. KENNEDY. You received from these lists \$1,958.50.

Mr. MORRIS. I still refuse to answer the question on the same grounds.

Mr. KENNEDY. Did you receive that amount of money?

Mr. MORRIS. I still refuse to answer the question on the same ground.

The CHAIRMAN. What is that ground? I didn't quite understand a while ago.

Mr. MORRIS. I refuse to answer the question on the ground of giving evidence against myself under the fifth amendment.

Senator IVES. Mr. Chairman, I would like to interpose a question here.

The CHAIRMAN. Senator Ives.

Senator IVES. I would like to ask the witness who told him to say refuse?

Mr. MORRIS. I beg your pardon?

Senator IVES. Who told you to say refuse?

Mr. MORRIS. Nobody told me, sir.

Senator IVES. You just chose that yourself?

Mr. MORRIS. That is right, sir.

Senator IVES. It is a little more courteous to say you decline.

Mr. MORRIS. I don't know that big word, sir.

Senator IVES. You don't know the word "decline"? You don't know the English language enough to know that?

Mr. MORRIS. I am just not familiar with the word and how to use it, sir.

Senator IVES. What?

Mr. MORRIS. I am not familiar with the word and how to use it. I am only a truck driver.

Senator IVES. Hereafter use the word decline instead of refuse. I suggest all of you do that. Thank you, Mr. Chairman.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Chairman, I would——

The CHAIRMAN. What is the total amount that the witness received?

Mr. KENNEDY. He is alleged to have received \$1,958.50.

The CHAIRMAN. The question we are trying to determine, of course, Mr. Morris, is whether these records are accurate or whether they are a fraud, whether the union is robbing you folks who work of your dues money.

I think you would have a little interest in it, but maybe not.

The question arises here that some of these folks have been paid, and, obviously, the amounts that they have been paid have been changed on the records to show a much larger amount paid.

Do you want to be a party to a transaction like that?

Mr. MORRIS. I decline to answer the question on the same ground, sir.

The CHAIRMAN. Then you are willing to be, I assume?

(The witness conferred with his counsel.)

Mr. MORRIS. I decline to answer the question on the same ground, sir.

Mr. KENNEDY. Mr. Chairman, as we pointed out yesterday, we are asking this witness about the use of union funds or the misuse of union funds, and he refuses to answer. He has his attorney with him, and his attorney is being paid out of union funds.

I would like to ask now the gentleman in the center, Mr. McGovern, this question: Did you support Mr. Cohen for election?

Mr. MCGOVERN. I decline to answer the question on the grounds that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Have you received sums of money in cash from the union, from Mr. Cohen, since he was elected secretary-treasurer?

(The witness conferred with his counsel.)

Mr. McGOVERN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Your name appears on some six of these various lists as receiving sums of money. Did you in fact receive that money?

Mr. McGOVERN. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you ever do any organizing work for the union?

(The witness conferred with his counsel.)

Mr. McGOVERN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. According to these various lists, you are supposed to have received some \$901.50 from the union. Did you in fact receive that amount of money?

(The witness conferred with his counsel.)

Mr. McGOVERN. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. These attorneys that you have with you are being paid out of union funds, are they?

Mr. McGOVERN. Yes.

Mr. KENNEDY. They are not being paid by you?

Mr. McGOVERN. No, sir.

Mr. KENNEDY. They were selected and chosen for you by the union?

Mr. McGOVERN. Yes, sir.

Mr. KENNEDY. Mr. McGOVERN, I would like to ask you a question. How long have you been in local 107?

Mr. McGOVERN. Going on 25 years.

Mr. KENNEDY. And you supported Mr. Cohen?

Mr. McGOVERN. I decline to answer that question on the ground that I would give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you receive any sums of money from Mr. Cohen?

Mr. McGOVERN. I decline to answer that question on the ground of giving evidence against myself under the fifth amendment.

Mr. KENNEDY. Your name appears on some four of these lists for a total of \$776.50. Is that accurate?

Mr. McGOVERN. I decline to give evidence against myself on the fifth amendment.

Mr. KENNEDY. And your attorneys were chosen for you by the union?

Mr. McGOVERN. Yes; they was.

Mr. KENNEDY. They are being paid out of union funds?

Mr. McGOVERN. Yes; they are.

Mr. KENNEDY. Do you know anything about misuse of union funds in that union?

Mr. McGOVERN. I decline to answer that question on the ground that I would give evidence against myself under the fifth amendment.

Mr. KENNEDY. That is all.

The CHAIRMAN. Any other questions, Senators?

You may stand aside.

Mr. KENNEDY. Frank Brandau, Wilber Sampson, and Harry McNally.

The CHAIRMAN. Stand and be sworn.

Do you and each of you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BRANDAU. I do.

Mr. SAMPSON. I do.

Mr. McNALLY. I do.

**TESTIMONY OF FRANK BRANDAU, WILBERT SAMPSON, AND HARRY W. McNALLY, ACCOMPANIED BY THEIR COUNSEL, JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ**

The CHAIRMAN. Beginning on my left, state your name, your place of residence, and business or occupation.

Mr. McNALLY. Harry McNally, 104 West Crestwood Avenue, Somerdale, N. J., truckdriver.

The CHAIRMAN. The one in the center.

Mr. SAMPSON. Wilbert Sampson, 5502 Matthews Street, Philadelphia, truckdriver.

The CHAIRMAN. The one on the right.

Mr. BRANDAU. Frank Brandau, Van Dyke and Pearson Avenue, Philadelphia, truckdriver.

The CHAIRMAN. The one in the center is named Sampson?

Mr. SAMPSON. Yes.

The CHAIRMAN. Did you give your address, Mr. Brandau?

Mr. BRANDAU. Van Dyke and Pearson Avenue, Philadelphia.

The CHAIRMAN. All right, Mr. Counsel.

Mr. KENNEDY. Mr. McNally, how long have you been in local 107?

Mr. McNALLY. Approximately 20 years.

Mr. KENNEDY. About 20 years. And you supported Mr. Cohen in the election?

Mr. McNALLY. I refuse to answer that question on the grounds it would be evidence against me.

Mr. KENNEDY. Mr. McNally, you have been paid some money by Mr. Cohen; have you?

Mr. McNALLY. I decline to answer that question on the grounds it would be held as evidence against me.

The CHAIRMAN. One member of the committee has suggested you use the word "decline." It is a little more respectful than to say "refuse."

Of course, if you want to see just how disrespectful you can be, you may use the other word, if you want to.

If you want to be a little respectful, however, it would be nice to use the word "decline."

Mr. McNALLY. I don't want to be disrespectful.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. McNally, according to the witness from the Federal Bureau of Investigation, the sum of money that was opposite your name on this first list was altered from \$1.50 to \$150.

Do you know anything about that?

(Witness conferred with his counsel.)

Mr. McNALLY. I decline to answer that question on the grounds it would be evidence held against me.

Mr. KENNEDY. Actually, Mr. McNally, you haven't done anything wrong, but you were told to take the fifth amendment; is that correct?

Mr. McNALLY. I decline to answer that question on the grounds it would be held as evidence against me.

The CHAIRMAN. You would like to tell the truth, wouldn't you, if you felt free to do it? You would like to tell what you know, wouldn't you?

(Witness conferred with his counsel.)

Mr. McNALLY. I decline to answer that question on the ground it would be held as evidence against me.

The CHAIRMAN. The truth is you are afraid of reprisals if you do talk; aren't you? That is the fact of the matter; isn't it?

(Witness conferred with his counsel.)

Mr. CARROLL. Would you mind repeating the question, sir?

The CHAIRMAN. I say you are afraid to tell the truth, you are afraid to talk, you are afraid of reprisals against you if you tell the truth, aren't you?

Mr. McNALLY. No, sir.

The CHAIRMAN. You are not afraid of anything?

Mr. McNALLY. No, sir.

The CHAIRMAN. You are afraid to tell the truth?

Mr. McNALLY. I am not afraid.

The CHAIRMAN. Well, will you tell it?

Mr. McNALLY. I don't want to give evidence against myself.

The CHAIRMAN. What have you done that is wrong?

Mr. McNALLY. I refuse to answer—I decline to answer that question on the grounds it would be evidence held against me.

The CHAIRMAN. You have done something wrong?

Mr. McNALLY. I decline to answer that question on the grounds it would be evidence held against me.

The CHAIRMAN. Well, you are to be pitied.

Proceed.

Mr. KENNEDY. Mr. McNally, your attorney was selected by the union for you?

Mr. McNALLY. Yes, sir.

Mr. KENNEDY. And they are being paid by the union?

Mr. McNALLY. Yes, sir.

Mr. KENNEDY. We have no information regarding any wrongful acts on your part other than that you received some money from the union, which, of itself, is not improper or wrong.

It would appear that the reason you are taking the fifth amendment is because of the fear that exists in local 107, in you and some of these other people. There can't be any other explanation.

Mr. Sampson, you have been with local 107 for how long?

Mr. SAMPSON. 1933.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. May I ask a question?

Mr. KENNEDY. Yes.

Senator CURTIS. Mrs. Watt, would you show him his signature?

(A document was handed to the witness.)



Senator CURTIS. Mr. McNally, you are handed an exhibit which purports to carry your name, Harry W. McNally. I want you to look at it and advise me whether or not that is your signature appearing on page 3 of exhibit 5.

(Witness conferred with his counsel.)

Mr. McNALLY. I decline to answer that question on the grounds it would be held as evidence against me.

Senator CURTIS. I didn't hear what you said.

Mr. McNALLY. I decline to answer that question on the grounds it would be evidence held against me.

Senator CURTIS. How could your own signature on a document that does not purport to be an unlawful document incriminate you?

Mr. McNALLY. I decline——

Senator CURTIS. If that is your signature, that couldn't incriminate you. If somebody else signed it, it might incriminate them but not you.

Mr. McNALLY. It might be evidence held against me.

Senator CURTIS. Mr. McNally, looking at the same exhibit, page 3, line 11, I believe it is, on exhibit 5, the amount of money after the name, is that figure the same as the figure that appeared there at the time the signature was put on?

(Witness conferred with his counsel.)

Mr. McNALLY. I decline to answer that question on the ground it might be evidence held against me under the fifth amendment.

Senator CURTIS. Did you ever change that figure?

Mr. McNALLY. The same answer.

Senator CURTIS. That is all, Mr. Chairman.

Mr. Chairman, I think it would be interesting if we had at some point along here whatever information our staff has been able to build up that would give us some light on whether or not these men are taking the fifth amendment for themselves or for somebody else. Certainly they have no right to take it for somebody else.

The CHAIRMAN. I think it is perfectly obvious they are taking it for someone else. That is a conclusion that I have come to.

But they have a right to take the fifth amendment. I think they violate the spirit and intent of it when they take it under such circumstances and for such purposes.

But, you know, our courts have gone a pretty long way toward letting them get by with most anything.

As long as they sit there and want to take it, they can take it, but they can't be very convincing in my judgment, and so far as public judgment is concerned.

If they want to convict themselves in the eyes of right-thinking people, if they want to sit there and convict themselves of being a party to crookedness and rascality, being one of those who are participating in these operations and manipulations that are, in my judgment, robbing the honest men and women of this country who work, who happen to be in the union, who pay their dues, who have to be subservient to the will of the bosses in the union in order to work—if they want to do that and bring disrepute upon this area of the labor movement, then it is their own conscience and own skin that will have to take the blame for it.

That is the way the Chair feels about it.

Proceed.

Mr. KENNEDY. Mr. Sampson, you are truckdriver and you have been a member of 107 for how long?

Mr. SAMPSON. Since 1933.

Mr. KENNEDY. And you supported Mr. Cohen?

(Witness conferred with his counsel.)

Mr. KENNEDY. Did you support Mr. Cohen in his bid for election?

Mr. SAMPSON. I refuse to answer that question. I decline to answer that question on the grounds that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you receive some money from the union, from Mr. Cohen, since he became secretary-treasurer?

Mr. SAMPSON. I decline to answer that question on the ground I am not required to give evidence against myself.

Mr. KENNEDY. Your name appears on some three lists for a total of \$1,075. What did you do for that money?

Mr. SAMPSON. I decline to answer the question on the grounds I am not required to give evidence against myself.

Mr. KENNEDY. One of these lists, according to the testimony of the FBI, was changed from \$3.50, opposite your name, to \$350.

Mr. SAMPSON. I decline to answer that question on the ground I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Did you report that \$350 on your income tax return?

Mr. SAMPSON. I decline to answer that question on the grounds I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Mr. Counsel, if we haven't obtained yet the income tax return of all these folks that are declining to answer, I wish you would do so, and let's make a comparison in each one of these cases.

Where they have failed to report it and come up here and take the fifth amendment on it, obviously this record shows they got it. It would make a prima facie case of their having received it as a part of their income.

I am going to urge the Department of Justice to proceed against each one of them who has failed to report it, and who comes up here and takes the fifth amendment on it.

We have a prima facie case here of willful failure to comply with the law. The amounts in some instances appear to be small, but in some cases they add up to around \$1,000, where these folks have gotten this money.

I think it should be looked into, and I want this matter referred to the Justice Department and the Internal Revenue Department at once, for them to give it the attention that it is their duty to give in the position they hold.

Proceed.

Mr. KENNEDY. Your attorney was selected by the union for you?

Mr. SAMPSON. That is right.

Mr. KENNEDY. And being paid by the union?

Mr. SAMPSON. That is right.

Mr. KENNEDY. Mr. Brandau, you have been with local 107 for how long?

Mr. BRANDAU. Since 1933.

Mr. KENNEDY. And you supported Mr. Cohen in his bid for election?

Mr. BRANDAU. I decline to answer the question on the ground I am not required to give evidence against me.

Mr. KENNEDY. Did you receive some money from Mr. Cohen after he was made secretary-treasurer?

Mr. BRANDAU. The same answer.

Mr. KENNEDY. According to the records of this union, you were on 7 of these lists for a total of \$1,800.

Did you receive any of that money?

Mr. BRANDAU. I decline to answer the question on the same ground.

Mr. KENNEDY. Did you do any work for that money?

Mr. BRANDAU. I decline to answer that question.

The CHAIRMAN. Did you report it to the Internal Revenue on your income tax return?

Mr. BRANDAU. I decline to answer the question on the same ground.

The CHAIRMAN. Did you give a kickback out of it to somebody else?

Mr. BRANDAU. I decline to answer that question also.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Your attorneys were selected by the union?

Mr. BRANDAU. That is right.

Mr. KENNEDY. And union funds are being used to pay them?

Mr. BRANDAU. That is right.

Mr. KENNEDY. That is all.

The CHAIRMAN. Any other questions?

Senator CURTIS. No questions.

The CHAIRMAN. Call the next witnesses.

Mr. KENNEDY. Sam Doman, Jr., Edward Roski, and Frank Price.

The CHAIRMAN. Do you and each of you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DOMAN. I do.

Mr. ROSKI. I do.

Mr. PRICE. I do.

**TESTIMONY OF FRANK PRICE, EDWARD ROSKI, AND SAMUEL W. DOMAN, JR., ACCOMPANIED BY THEIR COUNSEL, JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ**

The CHAIRMAN. State your name, your business or occupation, and place of residence.

Mr. DOMAN. Samuel Doman, 2311 East Cumberland Street, Philadelphia, truckdriver.

Mr. ROSKI. Edward Roski, 2305 East Boston Avenue, Philadelphia, truckdriver.

Mr. PRICE. Frank Price, 2148 North Fourth Street, Philadelphia, truckdriver.

Mr. KENNEDY. Mr. Doman, you have been with local 107 for how long?

Mr. DOMAN. 11 years.

Mr. KENNEDY. And you supported Mr. Cohen in his bid for election as secretary-treasurer?

(Witness conferred with his counsel.)

Mr. DOMAN. I decline to answer that question, sir, on the ground I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Were you paid for that support that you gave him?

Mr. DOMAN. I decline to answer that question on the same ground as before, sir.

Mr. KENNEDY. Did you receive some union funds for supporting Mr. Cohen?

Mr. DOMAN. I decline that question for the same reason, sir.

(At this point, Senator Ives left the hearing room.)

Mr. KENNEDY. Your name appears on several of these lists. The first list that we have been talking about lately shows that the amount of money that was opposite your name was changed from \$1.25 to \$150.

Can you give us any explanation of that?

Mr. DOMAN. I decline that question on the same ground, sir.

Mr. KENNEDY. Did you receive any of that money?

Mr. DOMAN. I decline that question on the same ground as before, sir.

Mr. KENNEDY. Did you give any of that money back to Mr. Cohen?

Mr. DOMAN. I decline that question on the same ground as before, sir.

The CHAIRMAN. What is the total amount this witness has received, according to the record?

Mr. KENNEDY. \$150. It was changed from \$1.25 to \$150. It would appear that he received either one of those amounts.

Mr. ROSKI, you have been in local 107 for how long?

Mr. ROSKI. Over 20 years.

Mr. KENNEDY. And you supported Mr. Cohen in his bid for election?

(Witness conferred with his counsel.)

Mr. ROSKI. Yes, I did, sir.

Mr. KENNEDY. You did. What did you do for him?

Mr. ROSKI. I worked on a sound wagon on my own accord.

Mr. KENNEDY. On your own accord?

Mr. ROSKI. Yes, sir.

Mr. KENNEDY. Where did you get the sound wagon?

Mr. ROSKI. Well, I was standing on the corner with a couple of fellows, so I jumped in and took a ride with him. Is there any objection? Excuse me. There is no objection to that, is there?

Mr. KENNEDY. Who has objections?

Mr. ROSKI. I am talking for myself.

Mr. KENNEDY. Did you get any money for that?

Mr. ROSKI. I refuse to answer that, sir.

Mr. KENNEDY. What?

Mr. ROSKI. I decline to answer that, giving evidence against myself under the fifth amendment.

Mr. KENNEDY. As to whether you got paid any money for that?

Mr. ROSKI. The same answer, sir.

Mr. KENNEDY. Did you get any union funds for that?

Mr. ROSKI. The same answer, I decline.

Mr. KENNEDY. How much money did you receive for doing that?

Mr. ROSKI. I decline to answer.

Mr. KENNEDY. Did you have arrangements that you would get paid afterward? Did you have arrangements so that you would get paid?

Mr. ROSKI. The same answer, sir. I refuse to answer.

Mr. KENNEDY. What is the same answer?

Mr. ROSKI. I don't want evidence against myself under the fifth amendment.

The CHAIRMAN. Would it be against you if you told the truth?

Mr. ROSKI. It might be evidence.

The CHAIRMAN. It might be against you?

Mr. ROSKI. It could be.

The CHAIRMAN. You know, don't you?

(Witness conferred with his counsel.)

The CHAIRMAN. Can't you say "Yes" or "No"?

Mr. ROSKI. Yes.

The CHAIRMAN. It would be against you?

Mr. ROSKI. It could be.

The CHAIRMAN. Thank you; proceed.

Mr. KENNEDY. Do you have any information about the misuse of any of the funds of local 107? Do you have any information about the misuse of union funds, union local 107?

(Witness conferred with his counsel.)

Mr. ROSKI. I refuse to answer that, sir, on the ground of giving evidence against myself under the fifth amendment. I decline. I am sorry.

Mr. KENNEDY. He appears on two lists, Mr. Chairman, receiving a total of \$215.

Did you receive that money from the union?

Mr. ROSKI. I refuse to answer that on the same ground.

Mr. KENNEDY. What was that for?

Mr. ROSKI. The same thing, sir.

Mr. KENNEDY. Did you ever do any organizing work for the local?

Mr. ROSKI. The same thing, sir.

Mr. KENNEDY. On what ground?

Mr. ROSKI. Of evidence against myself under the fifth amendment.

Mr. KENNEDY. Mr. Price, you have been with the union how long?

Mr. PRICE. Eighteen years, sir.

Mr. KENNEDY. And you supported Mr. Cohen?

Mr. PRICE. I refuse to answer that question on the ground that I may be incriminated, under the fifth amendment.

Mr. KENNEDY. Did you receive any union funds?

Mr. PRICE. I also refuse to answer that.

Mr. KENNEDY. We have you down for receiving a total amount of \$100.

Did you receive \$100?

Mr. PRICE. I decline to answer that also.

Mr. KENNEDY. There is nothing that would incriminate you there, is there, Mr. Price?

Mr. PRICE. There might be some evidence against me, sir.

The CHAIRMAN. Where do you work?

Mr. PRICE. Twin Freight Lines.

The CHAIRMAN. Do they pay you?

Mr. PRICE. When?

The CHAIRMAN. Any time.

Mr. PRICE. When I work they do.



The CHAIRMAN. Do they pay you?

Mr. PRICE. When is that, sir?

The CHAIRMAN. When you work?

Mr. PRICE. Yes, sir.

The CHAIRMAN. Do they pay you for it?

Mr. PRICE. I hope so.

The CHAIRMAN. Well, you know.

(Witness conferred with his counsel.)

Mr. PRICE. Yes, they pay me.

The CHAIRMAN. How much?

Mr. PRICE. The union scale, sir.

The CHAIRMAN. The union scale. What is that?

Mr. PRICE. Ninety-four dollars a week, sir.

The CHAIRMAN. Ninety-four dollars a week?

Mr. PRICE. Yes, sir.

The CHAIRMAN. That doesn't incriminate you, does it?

Mr. PRICE. No, sir.

The CHAIRMAN. Will this other incriminate you, if you got \$100?

Mr. PRICE. It might be some evidence against me, sir.

The CHAIRMAN. It might be. Do you know whether it would or not?

Mr. PRICE. It might be, sir. I don't know.

The CHAIRMAN. You are kind of afraid it would be?

(Witness conferred with his counsel.)

Mr. PRICE. Yes, sir.

The CHAIRMAN. I see.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. If you would answer these questions, would it incriminate anybody else?

(Witness conferred with his counsel.)

Mr. PRICE. I don't know about that, sir.

Senator CURTIS. You don't know?

Mr. PRICE. No, sir.

Senator CURTIS. You take full responsibility, then, for anything that is wrong here in connection with your signature in these transactions?

(Witness conferred with his counsel.)

Mr. PRICE. I decline to answer that question under the fifth amendment.

Senator CURTIS. That is all, Mr. Chairman.

Mr. KENNEDY. Is your attorney being paid out of union funds?

Mr. PRICE. Yes, sir.

Mr. KENNEDY. Was he selected for you by the union?

Mr. PRICE. No, sir.

Mr. KENNEDY. Who selected him?

Mr. PRICE. Myself.

Mr. KENNEDY. How did you do that?

Mr. PRICE. I got in touch with my business agent, sir.

Mr. KENNEDY. Who is that?

(Witness conferred with his counsel.)

Mr. KENNEDY. Why do you have to look to your attorney?

Mr. PRICE. I don't need my attorney. Battisfore and Berman, sir.

Mr. KENNEDY. Did they get the attorney for you?

Mr. PRICE. Yes, sir.

Mr. KENNEDY. So your business agents got the attorney for you?

Mr. PRICE. After I had asked them, sir.

Mr. KENNEDY. To get an attorney?

Mr. PRICE. That is right, sir.

Mr. KENNEDY. And they got these two gentlemen?

Mr. PRICE. Yes, sir.

Mr. KENNEDY. And you are not paying them?

Mr. PRICE. No, sir.

Mr. KENNEDY. What about Mr. Roski.

Are you paying the union attorney? Are you paying this attorney that is with you?

Mr. ROSKI. I am not, sir.

Mr. KENNEDY. The union is paying them?

Mr. ROSKI. Yes, sir.

Mr. KENNEDY. Mr. Doman, the same thing?

Mr. DOMAN. The union is paying my attorney, sir.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Are there any other questions?

If not, call the next group.

Mr. KENNEDY. Al Berman, who is a business agent, Mr. Chairman, and Walter Baker, who is a business agent, and Michael Hession.

(At this point, the following members were present: Senators McClellan and Curtis.)

The CHAIRMAN. Do you and each of you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BERMAN. I do.

Mr. BAKER. I do.

Mr. HESSION. I do.

#### TESTIMONY OF WALTER J. BAKER, MICHAEL HESSION, AND ABRAHAM BERMAN, ACCOMPANIED BY THEIR COUNSEL, JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ

The CHAIRMAN. Beginning on my left, will you state your name, your place of residence, and your business or occupation?

Mr. BERMAN. Abraham Berman, 118 Springhouse Road, Cherry Hill, N. J., business agent.

The CHAIRMAN. For local 107?

Mr. BERMAN. 107.

Mr. BAKER. Walter J. Baker, 3034 Nesper Street, Philadelphia, business agent for Teamsters Local 107, Philadelphia.

Mr. HESSION. Michael Hession, 888 North Bucknell Street, business agent for local 107.

Mr. CARROLL. May I remind you that Mr. Baker is a bit hard of hearing, too?

Mr. KENNEDY. Let's get the instrument.

Mr. CARROLL. I think that will not be necessary.

The CHAIRMAN. If you do not clearly understand, we will repeat the question.

Senator CURTIS. I would like to ask the men questions about their counsel.

The first witness on my left, do you have counsel?

Mr. BERMAN. Yes, I do, Senator.

Senator CURTIS. By whom was he retained?

Mr. BERMAN. By the union, Senator.

Senator CURTIS. What is his name?

Mr. BERMAN. John Carroll, sir.

Senator CURTIS. I will ask the next witness, do you have counsel present?

Mr. BAKER. Yes, sir.

Senator CURTIS. By whom was he retained?

Mr. BAKER. By the local.

Senator CURTIS. The local union?

Mr. BAKER. Yes, sir.

Senator CURTIS. What is his name?

Mr. BAKER. John Carroll and Mr. Markowitz.

Senator CURTIS. The next witness, have you counsel present?

Mr. HESSION. Yes, sir.

Senator CURTIS. By whom was he retained?

Mr. HESSION. By the local, sir.

Senator CURTIS. What is his name?

Mr. HESSION. John Carroll and Dick Markowitz.

Senator CURTIS. Mr. Chairman, I make a point of order in reference to the appearance of counsel. Rule 6 of the rules of procedure for the Select Committee on Improper Activities in the Labor and Management Field provides:

6. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he is testifying, or his legal rights.

There is no counsel present that has been retained by these witnesses, and there is nothing in the rules permitting a different entity or a different party retaining counsel for witnesses.

Mr. CARROLL. May I speak to that, sir?

The CHAIRMAN. The Chair will hear you briefly.

Mr. CARROLL. These gentlemen perhaps do not have the Senator's precise understanding of the word retained. There is not the slightest doubt but that we have been properly retained by these men. It was suggested to them or recommended, if you please, by the union. We are retained generally by the union and paid by the union. There isn't the slightest doubt that we are their counsel.

Senator CURTIS. Mr. Carroll, I would like to ask you a question or two.

Mr. CARROLL. I would like to answer them, sir.

Senator CURTIS. What bar association are you a member of?

Mr. CARROLL. The Philadelphia Bar Association.

Senator CURTIS. Any other?

Mr. CARROLL. No, sir. Pardon me. Do you mean associations? I am also a member of the bar in this district, but not of the association.

Senator CURTIS. Are you satisfied that there can be no conflict of interest between the union and these three witnesses who are now before this committee?

Mr. CARROLL. I am, sir; we went into this at some length yesterday. I am afraid you were not here.

Senator CURTIS. No, I was not here.

Mr. CARROLL. Senator Kennedy was here, and he and I discussed this for a good half hour, I would say. I explained——

Senator CURTIS. Not in reference to these three witnesses.

Mr. CARROLL. No, in reference to all of them, though. We were talking generally.

Senator CURTIS. These three witnesses say you were retained by the union.

Mr. CARROLL. That is quite correct, and I still am, sir. But I am also counsel of their choice. Had they wanted other counsel, they would be here with other counsel. With reference to the conflict of interest, I explained yesterday to Senators McClellan and Kennedy that when this matter was first broached to us, over a month ago by one of your investigators, Mr. Nulty, we had some doubt about it ourselves, and, therefore, asked the professional guidance committee of the Philadelphia Bar Association about the propriety of our simultaneous representation of the union and its members and officers in view of the fact that Mr. Dunn, assistant counsel for this committee, had advised me that the committee intended to produce evidence that all of the officers and business agents of this union had pilfered the union's funds. That question was put to the bar association by me. The memorandum stating the question was handed to the committee yesterday and read into the record completely.

It appears in yesterday's transcript.

Secondly, the professional guidance committee of the Philadelphia Bar Association on the 17th of March, this year, rendered an opinion on that very question in response to my request, and stated that there is no existing conflict of interest on the basis of Mr. Dunn and Mr. Nulty's statements to me, which were all fully disclosed in my memorandum to them, which is in the record.

Their opinion was read into the record here yesterday, and a copy of it appears as an exhibit in your file.

Senator CURTIS. I would think that you are the best judge of anybody as to conflict of interest.

Mr. CARROLL. Yes, sir; I think so, too. But inasmuch as there was a difference of opinion between me and the committee, I declined to leave it to the independent judgment of the bar, and they decided it was proper.

Senator CURTIS. If one of these witnesses signed his name and received a dollar and a half as a legitimate expenditure, and the record as now before us shows a greater sum, there definitely would be a conflict of interest, would there not?

Mr. CARROLL. Senator, I hope you are only asking me a hypothetical question.

Senator CURTIS. I am. I don't know how much money is involved with respect to these three witnesses before us.

Mr. CARROLL. I will say this, I am not about to disclose any of the confidences revealed to me by my clients. I can't do that, as you know. On the other hand, on your hypothetical question, as I have seen the evidence in this record—say, for instance, there appears on a sheet of paper behind a man's name and signature the figure of \$1.25 which appears to have been raised to \$125—that is the evidence before the committee. There is nothing to say, there is nothing before this committee that I have seen, and I think probably those who

have been here will agree with me, which shows when that was done, by whom it was done, whether it was done fraudulently, whether they received the money, whether they didn't receive the money, or for what purpose it was given or received.

Senator CURTIS. If you assume that one of the persons is innocent and one is guilty, when——

Mr. CARROLL. That is an assumption we cannot make, Senator.

Senator CURTIS. I am asking this as a hypothetical question. Assuming that in all of these signatures one individual is innocent and some other person is guilty, isn't a cloud cast over the reputation of that individual when he is advised to take the fifth amendment?

Mr. CARROLL. Not when he is advised to do so, sir. But in the judgment of many persons there is a cloud cast over him when he actually does it.

Senator CURTIS. Yes.

Mr. CARROLL. I happen to disagree with that judgment.

Senator CURTIS. I would think by your own admission there is a conflict of interest here that would impel you to withdraw.

Mr. CARROLL. There would be a conflict, sir, on your hypothesis. As you properly said, I am the only judge of those facts.

Senator CURTIS. That is all, Mr. Chairman. I will not press for a ruling at this point.

The CHAIRMAN. You raised a point of order with respect to his being retained, that under the rule the witness himself has the right to select an attorney. I would also hold that, of course, anyone would have a right to accept or use an attorney selected for him. I think there is no question about that, particularly in the circumstances attending this matter.

But one may need an attorney, if he is subpoenaed as a witness, or if he is charged with a crime, so far as that is concerned, and he may go to someone and ask about an attorney. They may agree to supply him an attorney. Certainly in a case like this, the union officials may agree—I think wrongly so, I think corruptly so—to supply the attorney. I think it is a part of the corruption of this union and its officials, a part of the cloak they are hiding behind, trying to protect the theory that they may have committed. I think it is a disgraceful thing, but if these witnesses say "We are going to take the union attorney, and he is going to be our attorney," I don't think I have a right to say they cannot, though I condemn it. On the face of it, particularly with all the circumstances attending this particular investigation, I think it is most reprehensible, and I do not agree with the attorney when he says there is no conflict of interest, that in his own conscience he feels that way. I cannot judge that, but I expressed my view yesterday about it. There is no moral standard or ethical standard that would tolerate representing such a conflict of interest as obviously appears here.

Proceed.

Mr. CARROLL. Pardon me, sir. There is one more thing I would like to say, both in answer to yourself and to Senator Curtis.

The CHAIRMAN. Make it brief. We thrashed this out yesterday. You can't change my view about it.

Mr. CARROLL. You have stated, sir, you are not pronouncing judgment. On the other hand, it appears to me that you have. I, as you



know, have a different view, and so do the members of our association.

The CHAIRMAN. I am not pronouncing judgment on your conscience. I may have a very firm opinion about it. Don't ask me to announce it.

Mr. CARROLL. I have an equally firm opinion, sir. But I should call to your attention that this matter is governed by the law of Pennsylvania, since that is where we were retained, and there is a statute in Pennsylvania—

The CHAIRMAN. The law of Pennsylvania doesn't control the procedure of this committee.

Mr. CARROLL. It governs actions occurring in Pennsylvania, which is where we were retained. The law of Pennsylvania specifically permits labor organizations to provide counsel, to get counsel, to retain counsel, for their members. I will make it a point to go to the Library of Congress and bring that in for you, this afternoon, if you would like to see it.

In addition to that, you know the opinion of the bar association.

The CHAIRMAN. I don't believe the bar association will condone this, when they know the truth. I may be mistaken.

Mr. CARROLL. You saw what they put in writing, Senator.

The CHAIRMAN. I know, but I don't think they had all the facts. I think when they get all the facts, they will condemn it. I think they will feel, then, that you ought to have the moral courage to withdraw from one side or the other.

Mr. CARROLL. Senator, it would be very easy for me to withdraw. I think the more difficult thing is to stay.

The CHAIRMAN. I don't care whether you do or not. Proceed.

Mr. KENNEDY. Mr. Al Berman, your name is Abraham Berman and you are also known as Al Berman?

Mr. BERMAN. That is correct.

Mr. KENNEDY. You are a business agent for the local?

Mr. BERMAN. That is correct.

Mr. KENNEDY. What experience had you had prior to being made business agent?

Mr. BERMAN. Excuse me.

(The witness conferred with his counsel.)

Mr. BERMAN. I was a truckdriver and a steward for 13 years.

Mr. KENNEDY. And did you operate the numbers in the various shops around Philadelphia?

Mr. BERMAN. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

Mr. KENNEDY. Isn't it a fact that that was your chief source of income, running the numbers racket in certain parts of Philadelphia?

Mr. BERMAN. I am advised that I have a right not to be a witness against myself, under the fifth amendment, and I exercise that right.

Mr. KENNEDY. Did you put up some money for Mr. Cohen in his bid for election?

Mr. BERMAN. I am advised that I have a right not to be a witness against myself under the fifth amendment and I exercise that right.

Mr. KENNEDY. Were you repaid after he was elected out of union funds, Mr. Berman?

Mr. BERMAN. I am advised that I have a right not to be a witness against myself, and I exercise that right.

(At this point, Senator Curtis withdrew from the hearing room.)

The CHAIRMAN. Senator Curtis, who has been present up to now in the proceedings this morning, has to leave for another appointment. Under the rules of the committee it requires two members present for the purpose of holding public hearings. Since Senator Curtis has to go, we will have to suspend for a few moments until another member of the committee arrives. We will be in brief recess.

(Brief recess.)

(After the recess, at the reconvening, the following members were present: Senators McClellan and Mundt.)

The CHAIRMAN. The committee will come to order. Mr. Counsel, you may proceed.

Mr. KENNEDY. Were you made a business agent for your support of Mr. Cohen, as a reward?

Mr. BERMAN. Did you address that to me?

Mr. KENNEDY. Yes.

Mr. BERMAN. Excuse me.

(The witness conferred with his counsel.)

Mr. BERMAN. I am advised that I have a right not to answer that question under the fifth amendment. I exercise that right.

Mr. KENNEDY. Did he make arrangements for you to continue to run your numbers operation in and around the union after you were business agent?

Mr. BERMAN. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

Mr. KENNEDY. You were arrested in 1951, is that right, on a charge of setting up and maintaining, and abetting in an unlawful lottery, fined \$50 and costs?

Mr. BERMAN. Yes, I was.

Mr. KENNEDY. Is that your only conviction?

Mr. BERMAN. Excuse me.

(The witness conferred with his counsel.)

Mr. BERMAN. I was arrested in 1933.

Mr. KENNEDY. Are there any other convictions other than this?

Mr. BERMAN. No, sir.

Mr. KENNEDY. Were you convicted in 1933?

Mr. BERMAN. No, sir.

Mr. KENNEDY. What were you arrested for?

Mr. BERMAN. Counterfeiting.

Mr. KENNEDY. Did you operate your numbers in these various shops of the Teamsters Union? Garages?

Mr. BERMAN. I am advised that I have a right not to be a witness against myself under the fifth amendment and I exercise that right.

Mr. KENNEDY. Mr. Cohen knew you were operating, did he not?

Mr. BERMAN. I am advised I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

Mr. KENNEDY. Didn't you put up some \$8,000 or \$10,000 for Mr. Cohen's campaign?

Mr. BERMAN. I am advised that I have a right not to be a witness against myself under the fifth amendment and I exercise that right.

Mr. KENNEDY. And you were reimbursed for that money that you put up, out of union funds, were you not?

Mr. BERMAN. I am advised that I have a right not to be a witness against myself under the fifth amendment, and I exercise that right.

Mr. KENNEDY. Mr. Baker, how long have you been a member of local 107?

Mr. BAKER. 22 years.

Mr. KENNEDY. And did you help and support Mr. Cohen?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. For that support, you were made a business agent, is that correct?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment and I exercise that right.

Mr. KENNEDY. Did you know any of the individuals who were beaten up, who opposed Mr. Cohen?

Mr. BAKER. Councilor, I am advised that I have a right not to be a witness against myself. I exercise the fifth amendment.

Mr. KENNEDY. Do you know any of the people that were responsible for beating them up?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. Were they reimbursed, given money, for beating these people up?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. Do you know who is responsible for the violence that took place in connection with the strikes in Philadelphia, in which local 107 was interested?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. Did you participate in beating them up?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. You don't believe in law and order, do you?

Mr. BAKER. I do.

The CHAIRMAN. Would you help enforce it? Are you willing to help enforce the law?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. I thought so.

Mr. KENNEDY. Do you know Bennie Lapensohn?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. What was Mr. Lapensohn doing around union headquarters?

Mr. BAKER. I am advised I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. Did Mr. Lapensohn ever give you any money?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. Do you know if Mr. Lapensohn ever received any money from any employer?

Mr. BAKER. I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. Do you know if Mr. Cohen ever received any money from any employer?

(The witness conferred with his counsel.)

Mr. KENNEDY. Couldn't he know the answer to that without turning to you, Mr. Attorney?

Mr. BAKER. No, sir.

Mr. KENNEDY. He did not?

Mr. BAKER. No, sir.

Mr. KENNEDY. Do you know if he ever received any money from Mr. Lapensohn?

Mr. BAKER. No, sir.

Mr. KENNEDY. You do not?

Mr. BAKER. No, sir.

Mr. KENNEDY. Were you ever present when Mr. Lapensohn ever gave Mr. Cohen any money?

Mr. BAKER. No, sir.

Mr. KENNEDY. Did you ever receive any money from Mr. Lapensohn yourself?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. Was it understood that any of this money had come from any employers in Philadelphia?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. Mr. Hession, you have been in local 107 for how long?

Mr. HESSION. Twenty-one years.

Senator MUNDT. Let me ask Mr. Baker a question. Are you presently the business agent of the local union, Mr. Baker?

Mr. BAKER. I can't hear you.

Senator MUNDT. Are you presently the business agent of this local union?

Mr. BAKER. Yes, sir.

Senator MUNDT. What is your salary?

Mr. BAKER. I beg your pardon.

Senator MUNDT. What is your salary?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Senator MUNDT. I asked you your salary as business agent of the local union. That can't possibly incriminate you.

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Senator MUNDT. Don't you think that the members of the union have a right to know how much salary they are paying a business agent?

Mr. BAKER. Yes, sir.

Senator MUNDT. This is the place to make it clear.

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Senator MUNDT. How do you reconcile taking the fifth amendment on your salary with your previous statement that you think the members of the union have a right to know how much you are getting?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Senator MUNDT. Then you don't really think that the members of the union have a right to know how much of their dues are going to you?

Mr. BAKER. They know what I make.

(At this point, Senator Kennedy entered the hearing room.)

Senator MUNDT. They know what you tell them. I want to know how much you actually take from them. You have something to conceal, because you are taking the fifth amendment. Under the Constitution, you can do that only to protect yourself against incrimination. So by what you have said, you imply you are taking from them more than they think you are getting.

Mr. BAKER. Senator, I don't want to give evidence against myself.

Senator MUNDT. I don't want you to give evidence against yourself. But it is strange to me that you stand out there in open testimony and imply that you are taking away from the union men and women who pay dues more than they think you are getting, more than your salary is supposed to be, because by taking the fifth amendment you imply criminally you are taking from them something that belongs to them. That shocks me.

I asked you a simple question: How much salary do you get? How much do you take from the union as a business agent?

You tell me if you tell me that, "I will incriminate myself," which certainly implies you are stealing from them.

That shocks me. It is a very innocent question. You said you thought they had a right to know how much of their dues went to you, and now you say "Gee, if I told them, I would go to jail. I would incriminate myself." What kind of business is this? These people pay dues. They are workingmen and women.

Mr. BAKER. Senator, as far as I am concerned, even an innocent man can plead the fifth amendment.

Senator MUNDT. Well, you certainly don't sound like an innocent man to me when you try to deny how much you are getting from the union.

Mr. BAKER. Our members know, Senator.

Senator MUNDT. They think they know. They know when you are under oath and you take the fifth amendment, they are being kidded. They don't know how much you take. You are kidding somebody, including the poor fellows who have to pay dues.

That is all.

Senator KENNEDY. May I ask that witness this question: You stated that your members knew what you had done with funds, is that correct?

Mr. BAKER. Yes, sir.

Senator KENNEDY. Yet the only grounds upon which you can plead fifth amendment are self-incrimination, and that it might do you damage. How do you square those two statements, that on the one hand your union knows what you have done, giving the implication that you are innocent, and then on the other hand you take the fifth amendment on the grounds that an honest answer might incriminate you. How do you reconcile those two points?

Mr. BAKER. Senator, it may be evidence against me.

Senator KENNEDY. Therefore, it seems to me—well, let me ask you this: Do the members of your union know about that evidence?

(The witness conferred with his counsel.)

Mr. BAKER. Yes, sir.

Senator KENNEDY. The members know what it is that might be used against you?



Mr. BAKER. Yes, sir.

Senator KENNEDY. When did you tell them that?

(The witness conferred with his counsel.)

Mr. BAKER. As far as I am concerned, Senator, I don't have to give the evidence. They know it.

Senator KENNEDY. You don't have to give them the evidence.

Mr. BAKER. Yes, sir.

Senator KENNEDY. You don't have to give me the evidence?

Mr. BAKER. Yes, sir.

Senator KENNEDY. But you say you have given it to all your union members?

Mr. BAKER. Yes, sir.

Senator KENNEDY. You can plead whatever privileges you want. I don't think it involves you if you just tell me on what occasion, when, and in what documents or in what speech the members were given this information.

(The witness conferred with his counsel.)

Mr. BAKER. Sir, as far as I am concerned, it is in all the financial reports and records of our local. It is right in the books.

The CHAIRMAN. We got some interesting records here. Would you clear them up for us? Were you a part of this group that has been raising these amounts?

(The witness conferred with his counsel.)

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right, Senator.

Senator MUNDT. How many members do you have in your union?

(The witness conferred with his counsel.)

Mr. BAKER. Approximately 14,000.

Senator MUNDT. Will you tell us what means you used in telling these 14,000 people what evidence it is that you are concealing from us by disclosing to them? How did you disclose it to them?

Mr. BAKER. It is all in the books.

Senator MUNDT. Have you sent the books to all 14,000 members?

(The witness conferred with his counsel.)

Mr. BAKER. The books are available to any member that wants to see them, Senator.

Senator MUNDT. What do they have, a big book-looking day, sometime, when all 14,000 of them can take a look? How do they find out?

Mr. BAKER. Sir, this committee has had the books since late last September, so nobody can look at the records.

Senator MUNDT. All right. Then your members don't know, because they are in the books and we have the books. So they are being deluded and deceived, because they can't find out.

(The witness conferred with his counsel.)

Mr. BAKER. Well, sir, I attend all the meetings, and the financial reports are read at all the meetings.

Senator MUNDT. How many people attend the meetings besides you?

Mr. BAKER. Well, it all depends, sir.

Senator MUNDT. You never had 14,000, have you?

Mr. BAKER. It is impossible. I don't think any union had 14,000 there.

Senator MUNDT. I would like to find out how we get the information out to the people who don't attend meetings, who can't see the books, because we have the books, where something is happening that you are afraid to talk about, because it might incriminate you, you might go to jail. I am thinking about the poor union member who belongs to unions, who pays dues, who asks the officials about the money, and the official says "I can't tell you that, I would go to jail."

Mr. KENNEDY. You are not giving legal advice, Mr. Attorney. You are whispering the answers to them.

Mr. CARROLL. When the question is so unclear and in such argumentative fashion that the witness is not likely to understand them, I think it is a proper function of counsel to try to clear up the question. That is all I am doing, sir.

The CHAIRMAN. If I find you doing it, you will be excluded from the hearing room.

You know that.

Mr. CARROLL. Senator, you know I have not and will not do any such thing.

The CHAIRMAN. I am telling you frankly if you do it—well, proceed.

Mr. BAKER. Senator Mundt, it all depends on how many members come to a meeting, sometimes 5,000, 4,000, 3,000. It all depends on who comes there. In the summer time, they all go away, so you get less people.

Senator MUNDT. I am not quarreling with that. I recognize they don't all come, couldn't all come. That is why I am trying to get you to say publicly so all 14,000 can read it in the newspaper what you have been doing with their money.

I asked you a simple question of what was your salary, and you say you can't dare tell.

Mr. BAKER. Senator, any member in our local, if he wants to know the financial report, he is entitled to go down to our office and look at the books.

Senator MUNDT. We have the books.

He would have to come to Washington. We would like him to get the information now. It is a long journey to Washington to find the books. You just don't want to tell me?

Mr. BAKER. No answer, Senator.

Senator MUNDT. All right.

Mr. KENNEDY. Let me ask you this: Do the books tell how much money you receive from the union?

(The witness conferred with his counsel.)

Senator MUNDT. These are the books that you are talking about.

Mr. BAKER. I imagine they would, sir.

Senator MUNDT. What do you mean you imagine they would. Do they or do they not?

(The witness conferred with his counsel.)

Mr. BAKER. Well, I don't keep the books.

Senator MUNDT. You said that union members are told accurately how much money you receive from the union in salary, that the union

members are told and, therefore, you do not have to tell the committee. Are they, in fact, informed as to how much you personally receive from the union?

Mr. BAKER. Yes; they are.

Senator MUNDT. In salary?

(The witness conferred with his counsel.)

Mr. BAKER. Well, sir, the only way I can answer that is that the books show the information any time they want to see it.

Senator MUNDT. Do they tell how much you, Mr. Baker, receive from the union?

Mr. BAKER. That is right, sir.

Senator MUNDT. In salary and in any other money that you receive?

Mr. BAKER. In our financial reports, yes.

Senator MUNDT. It is broken down as far as you personally are concerned?

Mr. BAKER. I don't know. I couldn't answer that question.

Senator MUNDT. You told the committee that they are informed, that the membership is informed. Are they in fact informed or not?

(The witness conferred with his counsel.)

Mr. BAKER. I can only say the same thing again, counselor. They get the monthly report of the expenses.

Senator MUNDT. Yes; they get the monthly report and expenses. Is this the monthly report?

The CHAIRMAN. The Chair presents to you a document, apparently being the original. It is on the International Brotherhood of Teamsters and Chauffeurs, Warehousemen and Helpers of America, signed by the trustees of local No. 107, signed by Mr. O'Lear, Charles O'Lear, Walter Baker, and Andrew Kozak. This is dated for the month of September 1954. I ask the clerk to present to you this document, which is in looseleaf binder. Please examine it and state if you identify it as a financial report to the union members, and as a part of the records of your union.

(The document handed to the witness.)

(The witness conferred with his counsel.)

Mr. BAKER. Senator, it is the regular report, the regular form.

The CHAIRMAN. It is signed by your trustees?

Mr. BAKER. It appears to be.

The CHAIRMAN. As far as you know, it is authentic, it is their report?

Mr. BAKER. Yes, sir.

The CHAIRMAN. So far as you can tell.

That document may be made exhibit No. 15.

(The document referred to was marked "Exhibit No. 15" for reference and may be found in the files of the select committee.)

Senator MUNDT. Can you find your name on that document, Mr. Baker?

Mr. BAKER. Yes, sir.

Senator MUNDT. Does it list your salary?

Mr. BAKER. I beg your pardon?

Senator MUNDT. Does it list your salary?

Mr. BAKER. No, sir.

Senator MUNDT. What does it say about you? Read what it says about you.

(The witness conferred with his counsel.)

Mr. BAKER. Well, it says here, fraternally submitted, with three signatures.

Senator MUNDT. And you were one of the three?

Mr. BAKER. Yes, sir.

Senator MUNDT. But in it that doesn't tell the membership anything about your salary; does it?

Mr. BAKER. No, sir.

Senator MUNDT. All that tells the membership, then, if they come all the way down to Washington to look at the books is that you signed the sheet which conceals from them your salary. That is all that shows.

(The witness conferred with his counsel.)

Mr. BAKER. Well, sir, the only way I can answer this is that it says salaries here, which covers all the pay of the agents.

Senator MUNDT. You didn't get it all; did you?

Mr. BAKER. No, sir.

Senator MUNDT. No; so the poor fellow who is paying dues in your union, he still has no idea what you are making.

(The witness conferred with his counsel.)

Mr. BAKER. Senator Curtis, they still know what I get for pay.

Senator MUNDT. I don't know how they would find out.

Mr. BAKER. They do. In our local they do. They know what we do.

Senator MUNDT. When you tell a congressional committee under oath "I don't dare tell, I might go to jail, this is incriminating evidence, I have done something wrong," I don't know how they will find out, because the document you sign might just as well be a blank sheet of paper as far as they are concerned.

Your name doesn't appear any place, or what you get.

Mr. KENNEDY. Mr. Baker, did you sign that?

(The witness conferred with his counsel.)

Mr. KENNEDY. Did you sign that financial report?

Mr. BAKER. Yes, sir.

Mr. KENNEDY. You signed it?

Mr. BAKER. Yes, sir.

Mr. KENNEDY. When I asked you earlier about what appeared on the financial statement, you said you did not know whether it contained your salary. Do you ever look them over?

Mr. BAKER. Well, that pertains to all the agents' salary, counselor.

Mr. KENNEDY. I was asking about your personal salary, and you said you did not know.

Mr. BAKER. Well, it would be in with the rest of them.

Mr. KENNEDY. How could the membership know how much money you receive? How could the membership know from this how much money you receive from the union?

Mr. BAKER. They can't know from that.

Mr. KENNEDY. Then how about telling us. How much money do you receive from the union?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. You said you told the membership, that the membership knew. When did you tell the membership? That was a

question that was asked you. Then you said it was pointed out in the financial report. Now we find it is not in the financial report. Have you ever advised the membership how much money you received from the union?

(The witness conferred with his counsel.)

Mr. BAKER. Sir, they know, counselor.

Mr. KENNEDY. Have you ever advised them, or how have they found out how much money you have received from the union?

(The witness conferred with his counsel.)

Mr. BAKER. Sir, there are resolutions at our meetings telling our people our salaries.

Mr. KENNEDY. Do they tell how much money you receive from the union?

Mr. BAKER. As far as our pay is concerned; yes, sir.

Mr. KENNEDY. I want to find out. That is not the question. Do they tell how much money you receive from the union? That is the question.

(The witness conferred with his counsel.)

Mr. KENNEDY. Is that a legal question? You can tell that. Answer the question.

Mr. BAKER. Will you please repeat that, counselor?

Mr. KENNEDY. Do these reports tell how much money you receive from the union?

Mr. BAKER. I am not sure, counselor.

Mr. KENNEDY. Then where is the membership going to find out how much money you get? You say the membership can find out. Where can they find out?

(The witness conferred with his counsel.)

Mr. KENNEDY. That is a legal question again?

Mr. BAKER. Well, sir, they could see by looking at the records if the committee would give them back to them. There is no way of checking right now.

Mr. KENNEDY. Would they know from looking at the records about the forged checks, for instance?

(The witness conferred with his counsel.)

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. You didn't report those in here, did you?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. Would you swear that the records that are kept by the union are accurate?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. Therefore, the membership coming in and looking at the records would not get an accurate picture, would they?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Mr. KENNEDY. Any time you are pinned down on any question, you make a blanket statement on the advice of your attorney that the membership knows what is going on, and when you are pinned down, you always hide behind the fifth amendment.

It doesn't make any sense. It is a fraud.



The CHAIRMAN. I notice in a subsequent month of the reports you were shown, for September 1954, I notice in November following you have organization fund paying out \$10,000.

Can you account for that, where that money went?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. Is that the \$10,000 check that went to make up the \$25,000 that was disbursed here, and kickbacks came from it?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. Would you actually be a witness against yourself if you told the truth about it?

Mr. BAKER. It might be so.

The CHAIRMAN. It might be. I am persuaded by a stronger word than might.

Senator MUNDT. How much dues do your members pay in the union?

Mr. BAKER. \$5 a month, sir.

Senator MUNDT. \$5 a month?

Mr. BAKER. Yes, sir.

Senator MUNDT. Do you suppose your union could get along on \$2.50 a month dues if you weren't misusing any of the money?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Senator MUNDT. I think your members will be interested in reading your answer to that question, if they are paying twice as much dues per week as to what they are paying, if you weren't misusing it; that is up to them. I imagine you have enough good Americans in that union who are kind of tired of getting gypped.

That is up to them. If they like it, I shouldn't complain, I suppose.

Senator KENNEDY. I have one more question. Have you told your members, or are they informed, about the answers to all the questions which you are reluctant to answer here?

Does the membership have all the information we have been asking you about?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

Senator KENNEDY. The statement was made by you that the membership did have that information. I want to confirm whether that is a fact or not. Do you refuse to answer that question? Do you refuse to answer the question as to whether your membership has the information?

Mr. BAKER. Yes, sir.

Senator KENNEDY. Mr. Chairman, I would like to ask the attorney as counselor for the union whether he has been through these books before this particular hearing?

Mr. CARROLL. I beg your pardon?

Senator KENNEDY. I would like to ask you as counsel for this union for some years whether you have been through the books.

Mr. CARROLL. No, Senator; I have not, ever.

Senator KENNEDY. You are not familiar with any of this material which has been brought forward now?

Mr. CARROLL. The only familiarity I have with respect to the books is information received from the accountants. I haven't personal knowledge of it.

Senator KENNEDY. What did the accountants tell you?

Have you a report of the accountants?

Mr. CARROLL. I don't. It has been turned over to the committee. All of the accountants' workpapers were turned over to the committee about a month ago.

Senator KENNEDY. That is the only information you have, what has been turned over to the committee?

Mr. CARROLL. That is right. You have practically every scrap of paper that this union ever had, starting, I think, as early as last June.

Senator KENNEDY. As counsel for the union, and, therefore, in a sense, a part of the union staff, you have never, yourself, examined the books or examined whether the interest of the membership has been adequately protected?

Mr. CARROLL. I have never had anything to do with the books. The accountants take care of all of that. The regular reports are submitted to the Department of Labor and the Internal Revenue.

Senator KENNEDY. You are attorney for a union which is under great suspicion by this committee and by others who will examine the testimony. You are the officers, in a sense, of a union, as the agent of a union. Have you ever examined these matters or have you been concerned about them, as an attorney for 4 years for this union, which has had the looting which has been going on, as revealed by this committee? Have you, as a responsible attorney, had any knowledge of it or concern about it?

Mr. CARROLL. I have never had any knowledge of any such thing. I say again, sir, that the accounting work is left to the accountants.

Senator KENNEDY. You were never involved in any of these matters? You never heard of any of the matters we have been discussing before this committee?

Mr. CARROLL. Some things I have heard about, Senator, together with explanations of them prior to this hearing, but only in connection with interviews with clients with respect to these hearings.

Senator KENNEDY. I would like to ask the witness: When did this union go into trusteeship?

(The witness conferred with his counsel.)

Senator KENNEDY. What I am trying to get at is this: I wonder how you got your job. Are you appointed or elected?

(The witness conferred with his counsel.)

Mr. BAKER. I was appointed, Senator.

Senator KENNEDY. Mr. Cohen appointed you?

Mr. BAKER. Mr. Cohen and Joe Grace.

Senator KENNEDY. When did they appoint you?

Mr. BAKER. Last November.

Senator KENNEDY. What was your job before that?

Mr. BAKER. Truckdriver.

Senator KENNEDY. You were then appointed and what is your title now?

Mr. BAKER. Business agent.

Senator KENNEDY. Business agent. Is it customary in the Teamsters that business agents are appointed or elected?

Mr. BAKER. Senator, I want to correct that statement. I was appointed in 1954 also.

Senator KENNEDY. How long were you a business agent?

Mr. BAKER. Well, from June 1954, sir.

Senator KENNEDY. The business agent is not elected in your local; is that correct?

(Witness conferred with his counsel.)

Mr. BAKER. We were appointed, Senator.

Senator KENNEDY. You were appointed by whom?

Mr. BAKER. Joe Grace and Ray Cohen.

Senator KENNEDY. What were their positions when they appointed you?

Mr. BAKER. Ray Cohen was secretary-treasurer and Joe Grace was the president.

Senator KENNEDY. All officers, they are elected; aren't they?

Mr. BAKER. Yes, sir.

Senator KENNEDY. But all other officers of the union are appointed, is that correct, such as business agent?

Mr. BAKER. Well, since 1954; yes, sir.

Senator KENNEDY. Since 1954 they have been appointed?

Mr. BAKER. Yes, sir.

Senator KENNEDY. You hold your job on the continued support of Mr. Cohen? He could replace you tomorrow, could he, without going to the membership?

Mr. BAKER. That is right, sir.

Senator KENNEDY. Is that customary in the Teamsters, that business agents are appointed, or elected?

(Witness conferred with his counsel.)

Mr. BAKER. Yes, sir.

Senator KENNEDY. They are all appointed?

Mr. BAKER. Yes, sir.

Senator KENNEDY. By the secretary-treasurer?

Mr. BAKER. Yes, sir.

Senator KENNEDY. Were they elected in that local before 1954?

Mr. BAKER. Yes, sir.

Senator KENNEDY. And what; Mr. Cohen decided to appoint them from then on?

Mr. BAKER. I beg your pardon?

Senator KENNEDY. Mr. Cohen decided to appoint them, or was it nationwide, that decision?

(Witness conferred with his counsel.)

Mr. CARROLL. Senator, maybe I can help you on that. You have the minutes of a meeting in June of 1954, which showed the membership's authorization to the business manager.

Senator KENNEDY. I am surprised he doesn't know this information. This isn't anything involving his honesty.

It seems to me it is not a legal question. I am trying to find out the procedures of the union. It seems to me you have much more familiarity with them than he does. Why is that?

Mr. CARROLL. I have been through those particular minutes. I tried a lawsuit involving them.

Senator KENNEDY. He ought to be able to answer. He has been a business agent for 4 years. He ought to know how they were picked before he took office.

Mr. BAKER. Sir, I have been trying to give you the right answer. That is why I have been consulting the attorney.

I don't want to lie about it. I want to answer your question.

Senator KENNEDY. What is the answer?

Mr. BAKER. We were appointed by Ray Cohen and Joe Grace in 1954.

Senator KENNEDY. And before that, do you know how they were done?

Mr. BAKER. They were elected.

Senator KENNEDY. Why was that change made?

Mr. BAKER. They had a meeting that was decided by the rank and file. Mr. Cohen and Joe Grace told the rank and file they were going to appoint us.

Senator KENNEDY. When is your term up?

(Witness conferred with his counsel.)

Senator KENNEDY. You are the most competent officeholder that I have ever met.

Mr. BAKER. I think about 5 years, sir. We were appointed in 1952. I am trying to answer your question, Senator Kennedy.

I am not trying to run around anything.

Senator KENNEDY. Tell me when it is, if you would?

Mr. BAKER. 1952. It is good for 5 years. We were appointed for 5 years.

Senator KENNEDY. Is that 1957 or the fall of 1958?

Mr. BAKER. I would say the fall of 1958.

Senator KENNEDY. There will be another election in the union then?

Mr. BAKER. Yes, sir.

Senator KENNEDY. And you and Mr. Cohen and others come up before the membership for another election?

Mr. BAKER. That is right.

Senator KENNEDY. You must mean 1953, don't you, not 1952?

Mr. BAKER. Sir, for the record, 1953 instead of 1952.

Senator KENNEDY. The reason I am asking this, to sum it up, is that it seems to me that the control that Mr. Cohen has over the union is extreme.

Here is a business agent who, before 1953 or 1954, was elected and now is appointed.

You have no idea, without looking through and talking to other people, when Mr. Cohen's term ends and when you would be subject to either removal or reappointment.

Will that election be a secret ballot the end of this year, when Mr. Cohen comes up again, if he does?

Mr. BAKER. Sir, I couldn't answer that.

Senator KENNEDY. You don't know?

Mr. BAKER. No.

Senator KENNEDY. Was it a secret ballot the last time?

Mr. BAKER. No, sir.

(Witness conferred with his counsel.)

Mr. BAKER. For Mr. Cohen, sir? Yes; that was a secret ballot vote.

Senator KENNEDY. You don't know whether it will be this time?

Mr. BAKER. I beg your pardon?

Senator KENNEDY. You don't know whether it will be this time?

Mr. BAKER. That I couldn't answer, Senator Kennedy.

Senator KENNEDY. Who keeps these records? Who signs that they are a fair report? Is it you?

Mr. BAKER. I am one of them.

Senator KENNEDY. Who are the others?

Mr. BAKER. Charles O'Lear and Mike Hession.

Senator KENNEDY. Were they appointed by Mr. Cohen?

Mr. BAKER. No. We were elected trustees.

Senator KENNEDY. When?

Mr. BAKER. At the union hall meeting.

Senator KENNEDY. When?

Mr. BAKER. I think in November 1953.

Senator KENNEDY. When is that term up?

Mr. BAKER. Five years, sir.

Senator KENNEDY. Will there be a secret ballot for that?

Mr. BAKER. That I couldn't answer.

Senator KENNEDY. Then you come up for election as trustee in 1958?

Mr. BAKER. Yes, sir.

Senator KENNEDY. Have the other two trustees been called as witnesses?

Mr. KENNEDY. Mr. O'Lear took the fifth amendment.

Senator KENNEDY. What about the other one?

Mr. KENNEDY. Mr. Hession is here now. He is one of the business agents. Those are the three.

Senator KENNEDY. Have you taken the fifth amendment on these questions?

Mr. HESSION. I haven't been asked anything yet.

The CHAIRMAN. Following up the September report, September of 1954, I find a report of May 1955, apparently signed by you and the other two trustees, listing a total expenditure under strike benefits and other expenses of \$36,956.71.

I find an itemized statement of it, what purports to be, and it shows organization expenses, \$29,930 for that month.

It seems to be a rather excessive expense. This is not itemized in any way.

Do you keep any records to show who this organizational expense is paid to.

(At this point, Senator Mundt left the hearing room.)

(Witness conferred with his counsel.)

The CHAIRMAN. Do you keep any records showing who this organizational expense—

Mr. BAKER. Sir, I think the committee has the records for that.

The CHAIRMAN. I asked if your union keeps any records.

Mr. BAKER. I imagine they do, Senator.

Mr. CHAIRMAN. You imagine. You signed this. Do you have any records to verify that \$29,930 expense, organizational expense?

Mr. BAKER. That I couldn't answer, Senator.

The CHAIRMAN. You signed this. Wouldn't you try to know whether it is accurate or not?

The fact is you don't do you?

(Witness conferred with his counsel.)

Mr. BAKER. I didn't check the records, sir.

The CHAIRMAN. What records?

Mr. BAKER. The ones that the committee has.



The CHAIRMAN. You don't have any records showing where this \$29,000 went to, do you? That is the truth about it?

(Witness conferred with his counsel.)

Mr. BAKER. That is the truth; yes, sir.

The CHAIRMAN. That is the truth, you don't have any records showing where it went.

Then I find in the same item, Ben Lapensohn, for services, \$3,250.

What was he paid that for? What kind of services did he render?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. When we get down to the crookedness, you take the fifth amendment, don't you?

It gets uncomfortable, I can see. I just point that out to illustrate, from your record, how you can and how you do it.

These financial affairs of unions are operated so as to cover up in general terms, and money can be used in any way in the world.

When you happen to get a name on there like Ben Lapensohn, and pay him \$3,250 in 1 month and say for services, you do not have to show what it is.

What kind of a guy is he? What does he do around there?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. Is he an official of this union?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. Is he an agent or representative of it in any capacity?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. You know now he is a fugitive from justice, don't you?

Mr. BAKER. I am advised that I have a right not to be a witness against myself under the fifth amendment. I exercise that right.

The CHAIRMAN. Are there any other questions?

Senator KENNEDY. I asked counsel how much money was involved.

Mr. KENNEDY. Could we put on the staff investigator for a moment in this connection, on the questions that you asked.

The CHAIRMAN. All right.

#### TESTIMONY OF JOHN B. FLANAGAN—Resumed

Mr. KENNEDY. Mr. Flanagan, you have gone through the books and records of local 107?

Mr. FLANAGAN. I have.

Mr. KENNEDY. And have examined their books and records for cash after Mr Raymond Cohen took over as secretary-treasurer?

Mr. FLANAGAN. I did.

Mr. KENNEDY. Checks for how much and in what amounts were made out to cash for this local during this period of time?

Mr. FLANAGAN. From June 1954, until September 1957, local 107 drew checks to cash amounting to \$225,597. These checks were charged to organizing and strike expenses.

The CHAIRMAN. Are there any vouchers to support those expenditures?

Mr. FLANAGAN. They had lists of names with amounts set beside them, which purportedly supported the disbursement of this cash.

The CHAIRMAN. Like this exhibit No. 5 here?

Mr. FLANAGAN. Yes.

The CHAIRMAN. That represents, as I understand, \$25,000 of it that was withdrawn?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. That \$25,000 is in addition to this amount, isn't it?

Mr. FLANAGAN. Yes.

The CHAIRMAN. That makes a total of \$250,000, then?

Mr. FLANAGAN. That is correct.

The CHAIRMAN. This \$25,000 we have been talking about in exhibit 5 is in addition to the \$225,000 in other cash checks that you have accounted for?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. Going through those lists of names, have we found inaccuracies on the other lists that have been furnished to the committee?

Mr. FLANAGAN. Yes, we have.

Mr. KENNEDY. There have been inaccuracies in the amounts of money that were alleged to have been received by these individuals?

Mr. FLANAGAN. That is correct. We talked to witnesses who told us that they received either less than the amount indicated opposite their names, or they did not receive any of the money.

Mr. KENNEDY. On these lists that we found at least some inaccuracies on, how much does it amount to?

Mr. FLANAGAN. The total amount represented by the lists which we considered questionable is \$141,482.77.

Mr. KENNEDY. And we are unable to tell how much of that is correct, but at least those lists amounting to that have inaccuracies on them, is that correct?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. And there is no backup on any of the \$250,000. The whole \$250,000 has no vouchers other than a list of names, is that right?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. And these checks are all to cash?

Mr. FLANAGAN. That is correct.

The CHAIRMAN. The list of names indicates the recipient of the money was paid in cash and not by check?

Mr. FLANAGAN. That is correct.

The CHAIRMAN. In other words, there is a quarter of a million dollars in a period of 3 years time which was disbursed in cash in that fashion?

Mr. FLANAGAN. That is correct.

The CHAIRMAN. Without any vouchers for it, or anything to show what the money actually went for?

Mr. FLANAGAN. Nothing except those lists.

The CHAIRMAN. All that list says is that they received the money. It doesn't say what it is for.

Mr. FLANAGAN. Some of the lists, Senator McClellan—

The CHAIRMAN. Exhibit 5 doesn't state what it is for, but just that they received the money. Isn't that correct?

Mr. FLANAGAN. On the first page, that is correct. That is also correct on the second page. There is no heading.

The CHAIRMAN. There is nothing to show what the money was paid out for, but just that it was spent?

Mr. FLANAGAN. That is correct.

The CHAIRMAN. And that those individuals that signed it received it?

Mr. FLANAGAN. That is right.

Senator KENNEDY. Mr. Flanagan, you have names and opposite how many reports, such as this—

Mr. FLANAGAN. No; there are some lists which have no amounts set opposite the individual names.

Senator KENNEDY. But there is a name for all of the \$250,000?

Mr. FLANAGAN. Yes, sir.

Senator KENNEDY. Do many of the lists say as this one did, that they got \$1,500 for organizing expenses, but there is no more detailed breakdown as to what organization or how much each got?

Mr. FLANAGAN. That is correct.

Senator KENNEDY. You have some other lists like this one, that give them the money, the amounts of money?

Mr. FLANAGAN. Yes, sir.

Senator KENNEDY. These all seem to have been done with the same pen.

Mr. FLANAGAN. I couldn't testify to that.

Senator KENNEDY. Has there been a handwriting expert look at these?

Mr. KENNEDY. At some of them, as we stated, and there have been alterations on them in the amounts of money that are alleged to have been received.

Senator KENNEDY. Did they compare the signature of Edward Palmeri, for example, and John Feduniue, who seem to be remarkably alike?

Mr. KENNEDY. We found enough inaccuracies and alterations in the lists to indicate what the patterns were. We couldn't go through every one of the names.

Senator KENNEDY. Were these three trustees the responsible ones ultimately for dispensing this money in this fashion?

Mr. FLANAGAN. I cannot testify as to who would be responsible for dispensing the moneys in cash.

Mr. KENNEDY. They are the ones that signed the financial statements, which are available to the union membership as to how the money has been used. Mr. Hession and Mr. O'Lear and Mr. Baker are those.

All of these gentlemen took the fifth amendment.

Senator KENNEDY. So we have \$250,000 in cash, drawn to cash. You have evidence that these amounts have been altered. There is no breakdown as to how the money would be spent or what organizing expenses they are talking to, and there are no vouchers.

Is that the way the books have been kept?

Mr. FLANAGAN. Senator, some of the books indicate the particular organizing attempt or strike for which the money was expended.

Senator KENNEDY. Some of them do?

Mr. FLANAGAN. Yes.

Senator KENNEDY. Some of them do not?

Mr. FLANAGAN. Correct.

Senator KENNEDY. I would like to ask the attorney for this union whether he was aware that this is the way the books were being kept.

Mr. CARROLL. As I previously said, I had no evidence of this until the committee began looking into it, and I haven't carefully examined them since.

As I mentioned, I guess for about 2½ months last summer we invited your investigators to use our office, and they did so, and they had the books there.

Then in September they were all subpoenaed here and you had exclusive possession of them since that time.

Senator KENNEDY. I wonder if anyone has made an examination of the reports called for under the Taft-Hartley law, the financial reporting section of the Taft-Hartley law, of this union.

Mr. FLANAGAN. We have.

Senator KENNEDY. The requirement as it is now in the Taft-Hartley—they evidently filed a report—does this give any information, such as we now have before us, as to the details as to how this money was expended?

In other words, would you have been able to guess, from the examination of the reports filed by this union under Taft-Hartley, that \$250,000 was drawn to cash, and some of the figures were forged or changed, and that others had no accounting of exactly how they were spent, other than cash?

Mr. FLANAGAN. No, sir. I came to that conclusion from examining the report.

Senator KENNEDY. In other words, the reporting section of Taft-Hartley as it stands now was of no use to you in finding out the information which you have found out after examining the books yourself, is that correct?

Mr. FLANAGAN. That is correct.

Senator KENNEDY. In the first place, the trustees signed the reports for the 3 or 4 years which are before us now?

Mr. KENNEDY. Yes.

The CHAIRMAN. If you will let me interrupt a moment.

Present that book to the witness.

Is this the report of the union, showing its monthly financial reports to the members, the book you have before you, the looseleaf binder?

Mr. FLANAGAN. That is my understanding of this document.

The CHAIRMAN. I am talking about the whole document. Is that whole book the record of the union?

Mr. FLANAGAN. Yes, sir.

The CHAIRMAN. That is the financial record that it kept and reported to its members?

Mr. FLANAGAN. These reports are based upon other books and records which are kept by the union.

The CHAIRMAN. I understand. But this is the record of the union that you have before you, where they made their financial reports to the members?

Mr. FLANAGAN. That is correct.

The CHAIRMAN. Are you familiar with that book?

Mr. FLANAGAN. Yes; I am.

The CHAIRMAN. You know it is a union record?

Mr. FLANAGAN. Yes.

The CHAIRMAN. That whole book may be made exhibit No. 15 for reference, so that any part of it may be referred to as evidence.

(Document referred to was marked "Exhibit No. 15" for reference and may be found in the files of the select committee.)

Senator KENNEDY. In the first place, Mr. Chairman, this shows that the reports, or it seems to indicate that the reports, filed under the Taft-Hartley law at present, the financial reports, are wholly inadequate to reveal this type of misappropriation of money.

Secondly, that these trustees have completely failed in their trust as trustees, to watch the interest of members.

As I understand, everyone that the committee staff has interrogated who received this money took the fifth amendment.

It seems to me, gentlemen, that you have not met your obligations at all and ought to resign.

I say that to you, Mr. Baker.

Have you any comment about that, Mr. Baker?

Mr. BAKER. No, sir, no comment.

Senator KENNEDY. You signed as trustee, didn't you, these financial reports?

Mr. BAKER. Yes, sir.

Senator KENNEDY. And you haven't any comment or explanation of what the \$250,000 in cash was used for?

Mr. BAKER. No, sir.

Senator KENNEDY. What about the other witness? Do you have any explanation?

Mr. HESSION. No, sir.

Senator KENNEDY. Will you give one?

(Witness conferred with his counsel.)

Senator KENNEDY. Did you get any of the money yourself?

Mr. HESSION. Pardon me, sir, my signature is not even on there. I have only been a trustee since January.

Senator KENNEDY. I am asking did you get any of this money yourself?

Mr. HESSION. I am advised that I have a right not to be a witness against myself under the fifth amendment.

Senator KENNEDY. How long have you been a trustee?

Mr. HESSION. I got elected in November and the term started in January.

Senator KENNEDY. Of this year?

Mr. HESSION. Yes, sir.

Senator KENNEDY. You were elected?

Mr. HESSION. Yes, sir.

The CHAIRMAN. Elected or appointed?

Mr. HESSION. I was elected trustee in November.

Senator KENNEDY. And you will not give us any information on this, is that correct, that you take the fifth amendment?

Mr. HESSION. Yes, sir.

Senator KENNEDY. I think you ought to resign, too.

The CHAIRMAN. Is there anything further?

Senator KENNEDY. Did the other trustee take the fifth amendment, too?

Mr. KENNEDY. Yes.



Senator KENNEDY. I think he ought to resign. \$250,000 is a lot of money. To come before a committee and not be able to give any explanation or how to account for it, and every official to take the fifth amendment, shows that it is a corrupt union leadership.

I am hopeful that the attorney will examine his relationship with them, because it seems to me that he is involved, having been attorney for one of the worse run unions in the country for 4 years.

Mr. KENNEDY. The president has taken the fifth amendment and the vice president has taken the fifth amendment on the question of the use of this money.

Senator KENNEDY. To say that you told the membership, and then refuse to tell in what form you gave the information to the membership, and in what form and on what basis, your refusal to answer all of those questions, in my opinion, leaves no doubt as to your involvement in the misuse of these funds.

The CHAIRMAN. Are there any further questions?

The committee will stand in recess until 2 o'clock.

(Whereupon, at 12:32 p. m., the committee recessed to reconvene at 2 p. m., the same day.)

(Members of the committee present at the taking of the recess were: Senators McClellan and Kennedy.)

#### AFTERNOON SESSION

The CHAIRMAN. The committee will come to order.

(Members of the committee present at the convening of the session were: Senators McClellan, Ives, and Curtis.)

Mr. KENNEDY. Mr. Hartsough.

The CHAIRMAN. Be sworn.

You do solemnly swear the evidence you shall give before this select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HARTSOUGH. I do.

#### TESTIMONY OF EDWARD J. HARTSOUGH, ACCOMPANIED BY HIS COUNSEL, JOHN ROGERS CARROLL, OF PHILADELPHIA

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. HARTSOUGH. Edward J. Hartsough, 411 East Gowen Avenue, Philadelphia, Pa. I am the president of local 169 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers.

Mr. KENNEDY. Chauffeurs, Warehousemen, and Helpers of America? Teamsters, Chauffeurs, Warehousemen, and Helpers?

Mr. HARTSOUGH. Yes.

The CHAIRMAN. Somebody might say you have not done all of your homework if you don't know the initials of it.

Mr. HARTSOUGH. Well, Senator, we use the initials, and it is much easier to remember it.

The CHAIRMAN. Is this local 169 in the Philadelphia area?

Mr. HARTSOUGH. Yes, Mr. Chairman.

The CHAIRMAN. All right, Mr. Counsel.

Mr. KENNEDY. Mr. Hartsough how long have you been secretary-treasurer of that local?

Mr. HARTSOUGH. Correction, Mr. Counsel. It is president of the organization.

Mr. KENNEDY. How long have you been president?

Mr. HARTSOUGH. Approximately 26 years.

Mr. KENNEDY. You have been president 26 years?

Mr. HARTSOUGH. President approximately 26 years.

Mr. KENNEDY. You were president from its beginning, from its inception?

Mr. HARTSOUGH. That is right. It was formerly called local 18571. It was a Federal labor union charter.

Mr. KENNEDY. How many members do you have?

Mr. HARTSOUGH. We have approximately 7,000 members.

Mr. KENNEDY. Did your local or did you support Mr. Cohen in the election?

Mr. HARTSOUGH. Yes. The local union supported Raymond Cohen for election.

(At this point, Senator Ives left the hearing room.)

Mr. KENNEDY. Did you advance any union funds to Mr. Cohen in his election?

(Witness conferred with his counsel.)

Mr. HARTSOUGH. No.

(Witness conferred with his counsel.)

Mr. KENNEDY. Is that a legal question, Mr. Counsel?

Mr. HARTSOUGH. Will the counsel rephrase his question so I can get it clear as to what you are asking? You said did I.

Mr. KENNEDY. Were there any union funds of local 169 advanced to Mr. Cohen for his election?

(Witness conferred with his counsel.)

Mr. HARTSOUGH. I refuse to answer on the grounds of possible evidence that may be against me, on the ground of the fifth amendment, under the fifth amendment.

Mr. KENNEDY. You are not going to tell us about that? About whether any funds of local 169 were used to advance the election of Mr. Raymond Cohen?

Mr. HARTSOUGH. I refuse to answer on the same grounds.

The CHAIRMAN. And if you did advance them, did your union members approve of it? Did you have an election or have a vote or anything so that they would approve it and know what was going on?

Mr. HARTSOUGH. I refuse to answer, Mr. Chairman.

The CHAIRMAN. You can't even talk about it without getting incriminated, is that it.

Mr. HARTSOUGH. There might be some evidence against me.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Here are some checks, Mr. Chairman. According to the information we have, some \$4,573.43 was advanced to help and assist Mr. Cohen in his bid for election. Some of it was in the form of cash and some of it was paying some of Mr. Cohen's election bills.

Is that correct, Mr. Hartsough, the figure I used, \$4,573.43?

Mr. HARTSOUGH. I decline to answer on the same ground, invoking the fifth amendment.

The CHAIRMAN. I hand you photostatic copies of three checks, each of them made payable to Raymond Cohen.

The first one is dated January 19, 1954, in the amount of \$2,000. The check is signed by yourself, apparently, and Edwin F. Fadigan.

The next check, a photostatic copy of which I shall present to you, is dated February 15, 1954, in the amount of \$500, made payable to Raymond Cohen, and signed by yourself and Mr. Fadigan.

The next one is in the amount of \$500, dated the same date as the previous one, February 15, 1954, made to Raymond Cohen and signed by yourself and Mr. Fadigan.

I ask you to examine those checks and state if you identify them as photostatic copies of the originals.

(Documents were handed to the witness.)

(Witness conferred with his counsel.)

The CHAIRMAN. Have you examined the checks?

Mr. HARTSOUGH. I have examined the checks, Mr. Chairman.

The CHAIRMAN. Do you identify them?

(Witness conferred with his counsel.)

The CHAIRMAN. Well, either answer yes or no or take the fifth amendment. Let's move along.

Do you identify them?

Mr. HARTSOUGH. I refuse to answer on the grounds that to do so might tend to give evidence against me, under the fifth amendment.

The CHAIRMAN. The checks will be made exhibit 16, 16-A, and 16-B.

(Documents referred to were marked Exhibits Nos. 16, 16-A and 16-B, for reference and will be found in the appendix on pp. 10812-10814.)

The CHAIRMAN. Is that your signature on the check, issuing the check?

Mr. HARTSOUGH. I have seen this signature, Mr. Chairman, and I decline to answer on the ground that it may tend to give evidence against me.

The CHAIRMAN. What were these checks issued for?

Mr. HARTSOUGH. I decline to answer, Mr. Chairman, on the same grounds.

The CHAIRMAN. Were they drawn on union funds?

Mr. HARTSOUGH. I decline to answer, Mr. Chairman, on the same grounds.

The CHAIRMAN. I see you signed it and it says "authorized signature" under your name, and also under that of Mr. Fadigan.

You were authorized to sign it by whom?

Mr. HARTSOUGH. I decline to answer, Mr. Chairman, on the same ground.

The CHAIRMAN. I find on the check, "Local 169, IBTCW&A, affiliated with the American Federation of Labor, 1279-41 West Girard Avenue, Philadelphia, 23, Pennsylvania." What does that mean?

(Witness conferred with his counsel.)

Mr. HARTSOUGH. The BTC, Mr. Chairman—will you repeat—was the initials of the Internation Union, affiliated with the American Federation of Labor.

The CHAIRMAN. That is the union you represented at the time?

Mr. HARTSOUGH. Yes, Mr. Chairman.

The CHAIRMAN. That is the union you are president of?

Mr. HARTSOUGH. That is right, Mr. Chairman.

The CHAIRMAN. And this is your signature on the check, drawing out union money?

Mr. HARTSOUGH. I respectfully decline to answer, Mr. Chairman, on the grounds that I am invoking the fifth amendment.

The CHAIRMAN. You refuse to answer the obvious, what everybody knows is true?

Mr. HARTSOUGH. I respectfully decline to answer, Mr. Chairman, on the same grounds.

The CHAIRMAN. You haven't the courage or honesty to admit it?

Mr. HARTSOUGH. I have already stated my answer, invoking the fifth amendment.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Hartsough, you and I had a talk yesterday?

(Witness conferred with his counsel.)

Mr. HARTSOUGH. Yes, we did, Mr. Counsel.

Mr. KENNEDY. And did I ask you at that time whether you would answer all the questions before the committee?

Mr. HARTSOUGH. Yes, you did.

Mr. KENNEDY. And did you state to me at that time that you were not going to take the fifth amendment?

Mr. HARTSOUGH. Yes; and I added something to that, Mr. Counsel.

Mr. KENNEDY. What did he say?

Mr. HARTSOUGH. I said I will take the eighth commandment, if you will recall.

The CHAIRMAN. The eighth amendment?

Mr. KENNEDY. The eighth commandment.

The CHAIRMAN. Commandment or amendment?

Mr. HARTSOUGH. Commandment, "shall not bear false witness against your neighbor." That includes slander, calumny, and the other that goes with it.

The CHAIRMAN. That says "false." Nobody asks you to be false.

Mr. HARTSOUGH. By me stating certain things, it is very likely, the way the newspapers are writing this thing up, it would be scandal.

The CHAIRMAN. I think they would like to write the truth.

Mr. HARTSOUGH. It is not a justified scandal.

The CHAIRMAN. I think they would like to write the truth. We are trying to get you to tell the truth about it.

You remind me of the fellow on the witness stand, and the lawyer reminded him about the inhibition against giving false testimony against his neighbor, and he said "I am not giving false testimony against him, I am testifying falsely for him."

So it seems you are taking the fifth amendment to protect and falsify for them.

Mr. HARTSOUGH. That is your opinion, Mr. Chairman.

The CHAIRMAN. It certainly is. Proceed.

Mr. HARTSOUGH. I have a right to my opinion, Mr. Chairman, and I respectfully say that.

Senator CURTIS. Mr. Chairman, may I ask a question?

The CHAIRMAN. Yes.

Senator CURTIS. Just what is your reason for not testifying?

(Witness conferred with his counsel.)

Senator CURTIS. I object to the counsel coaching, Mr. Chairman.

Mr. HARTSOUGH. He has not been coaching me, Mr. Senator.

Senator CURTIS. Have him face this way and keep his mouth shut, then.

What are the reasons for you objecting to testify?

Mr. HARTSOUGH. Partly what I stated to the counsel.

Senator CURTIS. What is the rest of it?

Mr. HARTSOUGH. Because what I have seen here in the last 2 days or so, Mr. Senator, it is quite easy for anyone to be charged with things that are not true. That is what has been happening.

Senator CURTIS. Are you talking about yourself?

Mr. HARTSOUGH. Very easily an innocent man can be so pointed out by charges that it would appear that he is guilty. So that is the situation with the newspapers, the way they are writing this up.

Then I might just as well be with my brother members of the Teamsters.

Senator CURTIS. What I am trying to find out is: Who are you protecting?

Mr. HARTSOUGH. I am not protecting anyone.

Senator CURTIS. Not even yourself?

Mr. HARTSOUGH. No, Mr. Senator.

Senator CURTIS. The number of your local is 169?

Mr. HARTSOUGH. I must refuse to answer that on the ground that I invoke—I have already answered it by the way.

You see, you need counsel here. I didn't know that. I want to explain, Senator, that very recently I got counsel. My counsel was here. I would like to explain this.

He was here, John Patrick Walsh, to represent me, and I attempted to see the general counsel to try to get on because my subpoena called for yesterday.

I made three attempts to get on so I could get out to attend to our general business of the union.

I explained that my counsel had to be in Scranton, to represent a Congressman in a case involved in something up in Scranton. So I was without counsel.

I hurriedly secured counsel. I need your indulgence to ask. I don't know anything about the law, what my rights are.

Senator CURTIS. That is all at this point, Mr. Chairman. I will have something further in a moment.

The CHAIRMAN. I would like the witness to amplify what he means about the way the press is writing it up.

Are you charging they are writing it falsely? Are you charging the press with writing false statements about what is happening here?

Mr. HARTSOUGH. The press is taking statements that are coming from the end of the table.

The CHAIRMAN. From this side and that side?

Mr. HARTSOUGH. I haven't seen anything favorable from this side yet.

The CHAIRMAN. Have you heard anything favorable from that side? The press can't print what it doesn't hear without distorting the facts.

Have you heard anything favorable from that side of the table? You have been here.

Mr. HARTSOUGH. I have worked with these men, Mr. Chairman, a good many years.



The CHAIRMAN. I don't care who you have worked with. Have you heard anything favorable that the press hasn't written? You want to criticize the press.

Mr. HARTSOUGH. They want to write it. We know what the press is. The workingman isn't getting a fair break at all.

The CHAIRMAN. He certainly isn't. We all agree on that. But where is he getting the ribbing from and the robbing? Not from this side of the table. From that side.

Mr. HARTSOUGH. No, sir, Mr. Chairman. I would let any union local membership vote as to whether they want to be represented by this committee or a labor union and they will take the labor union. I guarantee it, no matter what you are trying to point out here against them.

The CHAIRMAN. I think the American people would take the Congress, and that is whom we represent here, the American people.

We are not bound to a labor leader, as such, or to anyone else.

Mr. HARTSOUGH. I am sorry, Mr. Chairman, I didn't mean to engage in a debate with you.

The CHAIRMAN. I am not debating. I am stating facts to you.

All right, proceed.

Mr. KENNEDY. Could you help us in the facts we are trying to get developed before the committee by telling us whether you know anywhere of any misuse of union funds?

Mr. HARTSOUGH. Do I know of any misuse?

Mr. KENNEDY. Yes.

(Witness conferred with his counsel.)

Mr. HARTSOUGH. I must respectfully decline to answer on the grounds of the fifth amendment.

Mr. KENNEDY. You refuse to answer on the grounds that to give us this information, to answer the question, might tend to incriminate you, is that right?

Mr. HARTSOUGH. I have said that, Mr. Counsel.

Mr. KENNEDY. I asked you a question. Is that right?

Mr. HARTSOUGH. I refuse to answer on the grounds—rather, I decline to answer on the grounds—

The CHAIRMAN. You are ordered to answer that question. You have no right to invoke the fifth amendment unless you invoke it for the purpose that the amendment provides.

(Witness conferred with his counsel.)

The CHAIRMAN. That is the purpose of the amendment, not to give testimony against yourself.

Mr. HARTSOUGH. Mr. Chairman, which question should I answer. The counsel has asked me a question.

The CHAIRMAN. I have not asked you a question. I have ordered you to answer his.

Mr. HARTSOUGH. Would you repeat the question?

Mr. KENNEDY. What I want to know is, do you feel that if you gave a truthful answer as to whether you know about the misuse of union funds, that that answer might tend to incriminate you?

Mr. HARTSOUGH. I decline to answer on the grounds that to do so might give evidence against me.

Mr. KENNEDY. Mr. Chairman?

The CHAIRMAN. The Chair, with the permission of the committee, orders and directs you to answer that question.

I don't think you have a legal right to invoke the fifth amendment unless you can state under oath that you honestly believe that a truthful answer to the question might tend to incriminate you.

Otherwise, it would be a complete mockery of the exercise of the privilege.

Mr. HARTSOUGH. I would like to consult my attorney on this. I am not a legal mind.

The CHAIRMAN. You may.

(Witness conferred with his counsel.)

Mr. HARTSOUGH. Mr. Chairman, the reason I am invoking the fifth amendment is that I do not desire to give evidence that might be used against me.

The CHAIRMAN. Do you believe that such evidence might be used against you if you gave a truthful answer?

Mr. HARTSOUGH. It might.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Did local 169 pay for 10,000 stickers entitled "I'm For Cohen"?

(Witness conferred with his counsel.)

Mr. HARTSOUGH. I refuse to answer the question—I decline to answer, rather, the question on the grounds that to do so may give evidence against me.

Mr. KENNEDY. Or 5,000 folders entitled "Crumbock Takes Another Load Away" for \$125.24?

Mr. HARTSOUGH. I decline to answer on the same ground.

Mr. KENNEDY. Did you help write some of the material used in Cohen's campaign?

(Witness conferred with his counsel.)

Mr. HARTSOUGH. Yes, I did.

Mr. KENNEDY. And did your union pay for the expenses involved in printing those folders and campaign literature?

Mr. HARTSOUGH. I respectfully decline to answer on the ground that to do so may give evidence against me.

Mr. KENNEDY. Isn't it a fact that you had a meeting down in Florida, that Mr. Cohen came down and saw you in Florida, met with you, and asked you to loan some money to him in his campaign, that you agreed to do it at that time with the understanding that he would support you for president of the joint council?

(Witness conferred with his counsel.)

Mr. HARTSOUGH. I must respectfully decline to answer on the ground of the fifth amendment, that to do so might give evidence against me.

Mr. KENNEDY. When he did agree to support you for president of the joint council, did you then lend him this money from 169, from the treasury of the local 169, to assist him in his campaign?

Mr. HARTSOUGH. I must respectfully decline to answer as it may tend to give evidence against me. I invoke the fifth amendment.

Mr. KENNEDY. Didn't he, in fact, support you for the presidency of the joint council?

(Witness conferred with his counsel.)

Mr. HARTSOUGH. He did support me.

Mr. KENNEDY. Did Mr. Walker attend, from local 107, that meeting down in Miami?

(Witness conferred with his counsel.)

Mr. HARTSOUGH. I must respectfully decline to answer on the grounds that to do so might give evidence against me.

Mr. KENNEDY. Did Mr. Lanni, of the Brewery Workers Local of the Teamsters, also attend that meeting?

Mr. HARTSOUGH. The same answer.

Mr. KENNEDY. And did Mr. Lanni, and the Brewery Workers Union also help finance Mr. Cohen's campaign?

(Witness conferred with his counsel.)

Mr. HARTSOUGH. I do not know the answer to that question.

Mr. KENNEDY. Do you know whether he attended the meeting?

Mr. HARTSOUGH. In Florida?

Mr. KENNEDY. Yes.

Mr. HARTSOUGH. I believe I did mention before that I refused—I declined to answer that on the ground to do so might give evidence against me.

Mr. KENNEDY. The question you don't know the answer to is whether he supported Mr. Cohen financially; is that right?

Mr. HARTSOUGH. That is right.

Mr. KENNEDY. That is all, Mr. Chairman.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Do you know Mr. Edward Fadigan?

Mr. HARTSOUGH. Yes; I do, Mr. Senator.

Senator CURTIS. Does he hold an office in your union?

(Witness conferred with his counsel.)

Mr. HARTSOUGH. He is the secretary-treasurer of local 169 of the BTCWH of A.

Senator CURTIS. I want our secretary to hand you a paper which bears the date of January 12, 1954, signed by Mr. Edward F. Fadigan.

That appears to be a photostat of some sort of some minutes. Is that correct?

(A document was handed to the witness.)

(Witness conferred with his counsel.)

Mr. CARROLL. Do I correctly understand your question to be, "Does this appear to be a photostat of something?"

Senator CURTIS. Is it a copy of the minutes of your local, or of the executive board?

Mr. HARTSOUGH. Yes, it is, Mr. Senator.

Senator CURTIS. Now, will you look at item No. 3? It is the third paragraph from the bottom. Do you find that paragraph?

Mr. HARTSOUGH. Yes, Mr. Senator, I do.

Senator CURTIS. Will you read it for us?

Mr. HARTSOUGH. No. 3:

This third resolution dealt with the local disturbance surrounding the election proceedings at highway truckdrivers' local 107.

After his explanation, and a lengthy discussion, which consumed almost an hour, the board went on record to support brother Raymond Cohen in his fight to uphold the election and to do everything in our power to bring about such a result.

A \$2,000 loan was granted for this purpose.

Senator CURTIS. It refers to his explanation that was made, and it lasted about an hour.

That is referring to you, isn't it?

(Witness conferred with his counsel.)

Mr. HARTSOUGH. Yes, Mr. Senator, because earlier it states that the president, in making his report, called attention to the financial state of the union and urged the board to make these recommendations to the general meeting on Sunday.

The CHAIRMAN. That document may be made exhibit No. 17.

(Document referred to was marked "Exhibit No. 17" for reference and will be found in the appendix on p. 10815.)

Senator CURTIS. Now, I wish to hand you another one. The one you are looking at now, is that No. 18?

Mrs. WATT. It has not been made an exhibit yet, Senator.

(Witness conferred with his counsel.)

Senator CURTIS. The document you have before you is dated February 9, 1954, isn't it?

Mr. HARTSOUGH. That is right, Mr. Senator.

Senator CURTIS. And signed by the same secretary, Mr. Fadigan?

Mr. HARTSOUGH. That is correct, Senator.

Senator CURTIS. Will you read the fourth paragraph in it?

Mr. HARTSOUGH. Well, this—

Senator CURTIS. Some of those paragraphs are just single lines, but it is the fourth one.

Mr. HARTSOUGH. In reference to the financial report?

Senator CURTIS. Yes.

Mr. HARTSOUGH (reading):

The financial report revealed the general account \$6,566.85, and \$101,142 in the defense fund. The report as read by brother Burdy was approved, along with payment to current bills, and loan to brother Cohen upon signature of bond moved by Horner, seconded by brother Keane, amount to be loaned, \$1,000.

Senator CURTIS. That is a loan to Mr. Cohen of 107?

Mr. HARTSOUGH. That is what the minutes state.

Senator CURTIS. Do you wish to have that numbered, Mr. Chairman?

The CHAIRMAN. That may be made exhibit 18.

(Document referred to was marked "Exhibit 18" for reference and will be found in the appendix on p. 10816.)

Senator CURTIS. Now I hand you another copy of minutes of the executive board of your local.

Is that one dated March 10, 1954?

(A document was handed to the witness.)

Mr. HARTSOUGH. That is right, Mr. Senator.

Senator CURTIS. Will you read the third paragraph from the bottom?

Mr. HARTSOUGH (reading):

The policy of assisting brother Cohen was reaffirmed in every way.

Senator CURTIS. Who makes up the executive board?

Mr. HARTSOUGH. The president, vice president, the recording secretary, the secretary, and three trustees.

The CHAIRMAN. This document may be made exhibit 19.

(Document referred to was marked "Exhibit No. 19" for reference and will be found in the appendix on p. 10817.)

Senator CURTIS. Are the recitations in those minutes that you have just read into the record, a correct report of what transpired at the meetings?

Mr. HARTSOUGH. Would you please repeat that, Mr. Senator?

(The pending question was read by the reporter, as requested.)

Mr. HARTSOUGH. I must respectfully decline to answer on the grounds that to do so might tend to give evidence that might incriminate me.

Senator CURTIS. Will you point out to this committee any respect in which they are incorrect?

Mr. HARTSOUGH. I must respectfully decline to answer the question on the same ground, Mr. Senator.

Senator CURTIS. Were you present at this meeting on January 12, 1954?

Mr. HARTSOUGH. I must respectfully decline to answer on the same grounds, Mr. Senator.

Senator CURTIS. That is the one where it is recited that you offered an explanation of the assistance given to Mr. Cohen?

(The witness conferred with his counsel.)

Mr. HARTSOUGH. Is that a question, Mr. Senator?

Senator CURTIS. Yes. Does that refresh your memory of whether or not you were there?

Mr. HARTSOUGH. I must decline to answer on the ground that to do so might give evidence that might tend to be used against me.

Senator CURTIS. Do you know whether it is a violation of your constitution and bylaws to take money out of one local to support a campaign of an individual for office in another local?

(The witness conferred with his counsel.)

The CHAIRMAN. Let's answer. Either take the fifth amendment or answer the question.

Mr. HARTSOUGH. Mr. Chairman, I am trying to explain what my impression of the union's function under the constitution is to the attorney, so I can get advice that will be proper for me.

The CHAIRMAN. All right, let's hurry. I just don't want to waste all day.

(The witness conferred with his counsel.)

Mr. HARTSOUGH. I might remind you again, Mr. Chairman, that I haven't had too much time to speak with this attorney.

The CHAIRMAN. Hurry up, then.

Mr. HARTSOUGH. He was recently hired.

(The witness conferred with his counsel.)

Mr. HARTSOUGH. It would be my impression, Mr. Senator, that when the members would take an action, as they did in this case, that it would be legal and binding, and it would be in accord with the constitution and bylaws, because the members do have the final say.

Senator CURTIS. How, then, would it incriminate you to tell me whether or not those minutes are correct, a correct record of what transpired in connection with your help to Cohen?

Mr. HARTSOUGH. There might be some evidence that might be used against me.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. Do you know Mr. Ben Lapensohn?

(The witness conferred with counsel.)

Mr. HARTSOUGH. I must respectfully decline to answer on the ground that to do so might tend to give evidence against me.

The CHAIRMAN. Did you ever have any business transactions with him?



Mr. HARTSOUGH. I must respectfully decline to answer on the same grounds, Mr. Chairman.

The CHAIRMAN. Did you ever get any kickbacks from him in money?

Mr. HARTSOUGH. I must respectfully decline to answer on the same grounds.

The CHAIRMAN. Do you think it might incriminate you if you did?

Mr. HARTSOUGH. There might be some evidence.

The CHAIRMAN. Let's look at a little of it, unless you can explain it.

I present to you a check dated November 18, 1954, in the amount of \$2,000, made payable to you, drawn by Ben Lapensohn. It appears to have your endorsement on the back. Will you examine that check and state if you recognize it as a photostatic copy of the original?

(The document was handed to the witness.)

The CHAIRMAN. Have you examined the check?

Mr. HARTSOUGH. I have, Mr. Chairman.

The CHAIRMAN. Do you recognize it?

Mr. HARTSOUGH. I respectfully decline to answer on the grounds that to do so might give evidence that would tend to incriminate me.

The CHAIRMAN. Is that your endorsement on the back of it, where your name appears written there?

Mr. HARTSOUGH. I must respectfully decline to answer on the same grounds, Mr. Chairman.

The CHAIRMAN. I present you another check, the original, dated January 12, 1955, drawn by you, payable to B. Lapensohn, in the amount of \$2,000. Will you examine that check and state if you know anything about it?

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. HARTSOUGH. I must respectfully decline to answer on the same grounds, Mr. Chairman.

The CHAIRMAN. Is that your signature issuing the check?

Mr. HARTSOUGH. I must respectfully decline to answer, Mr. Chairman, on the same ground.

The CHAIRMAN. Is that part of the kickback that you and Lapensohn split up?

Mr. HARTSOUGH. I must respectfully decline to answer, Mr. Senator on the same ground.

The CHAIRMAN. Was this an honest transaction?

Mr. HARTSOUGH. I must respectfully decline to answer on the same grounds, Mr. Chairman.

The CHAIRMAN. If it is honest, it wouldn't incriminate you, would it?

Mr. HARTSOUGH. There might be some evidence.

The CHAIRMAN. In an honest transaction?

Mr. HARTSOUGH. There might be, Mr. Chairman.

The CHAIRMAN. If you told the truth, do you think you might be incriminated?

Mr. HARTSOUGH. Might.

The CHAIRMAN. Those two checks may be made exhibit 20 and 20A, respectively.

(The documents referred to were marked "Exhibit Nos. 20 and 20A" for reference and will be found in the appendix on pp. 10818-10819.)

The CHAIRMAN. Are there any further questions?

Mr. KENNEDY. That is all.

The CHAIRMAN. Have you any questions, Senator?

Senator CURTIS. That is all.

The CHAIRMAN. You do not want to clear up this record, if the thing was honest and the transactions were open and aboveboard and perfectly legitimate? You don't want to clear up the record, but you want to leave it as it is?

Mr. HARTSOUGH. Mr. Chairman, I will stand on my constitutional rights. In a proper court of law, I am willing to stand any time.

The CHAIRMAN. You can stand on your constitutional rights and clear it up. You have a right to testify. That is part of your constitutional rights. Which part of your constitutional rights are you standing on?

Mr. HARTSOUGH. I do not wish to engage in a debate, Mr. Chairman. I stand on my constitutional rights.

The CHAIRMAN. Which one?

Mr. HARTSOUGH. The fifth amendment.

The CHAIRMAN. So as not to testify?

Mr. HARTSOUGH. That is right, Mr. Chairman.

The CHAIRMAN. Stand aside. Call the next witness.

Mr. KENNEDY. Mr. John Flanagan.

Mr. CARROLL. This witness has asked whether or not he is free to go.

Mr. KENNEDY. He is free to go.

Mr. CARROLL. Perhaps you can tell me about the other witnesses as to whom I have not had answers.

The CHAIRMAN. All that we have heard now, you do not need them further?

Mr. KENNEDY. That is correct.

The CHAIRMAN. Senator, do you have a witness you wish to recall?

Senator CURTIS. No.

The CHAIRMAN. The Chair is advised by chief counsel that the witnesses who have testified here today up to this time may be excused from further attendance.

Mr. CARROLL. Thank you very much.

Mr. KENNEDY. Except Mr. Walker.

The CHAIRMAN. Mr. Walker will remain.

Mr. CARROLL. Very good.

#### TESTIMONY OF JOHN B. FLANAGAN—Resumed

The CHAIRMAN. Proceed, Mr. Counsel.

Mr. KENNEDY. Mr. Flanagan, you have made an examination of the books of 107?

Mr. FLANAGAN. I have.

Mr. KENNEDY. And we have been able to put together what appears to have cost the union in connection with Mr. Cohen's campaign for secretary-treasurer?

Mr. FLANAGAN. We have.

Mr. KENNEDY. There were some charges, were there not, from the books and records of local 107 which might have been legitimate in connection with the campaign; is that right?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. Such as poll boxes?

Mr. FLANAGAN. That is right.

Mr. KENNEDY. And——

Mr. FLANAGAN. And rental of polling places.

Mr. KENNEDY. And individuals from the international who came down to watch the election?

Mr. FLANAGAN. To supervise the election; yes.

Mr. KENNEDY. There are some expenses along that line?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. How much did they total, approximately?

Mr. FLANAGAN. They totaled about \$26,606.45.

Mr. KENNEDY. And we are not certain as to whether they are all legitimate, but at least they would come under the category generally of being legitimate?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. What do you find as far as the expenses for Mr. Cohen himself, personally, in connection with that election? Will you tell us how we arrive at that figure? Would you break the figure down into general categories? Take the figures individually, and then we will come to the total at the end.

What is the first one?

Mr. FLANAGAN. The first one is a check for \$15,000, payable to cash.

Mr. KENNEDY. That, together with the check for \$10,000, is a total of \$25,000?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. And the names that appear on that list appear to be the individuals who supported Mr. Cohen; is that correct?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. Was that in an area in the books and records of local 107 which would indicate that those individuals received the money, in connection with the election?

Mr. FLANAGAN. Those expenditures were charged in the other expenditures column of the checkbook, rather in their cash disbursement. The check stubs indicated that the checks were drawn for truck check, time lost, and election expense.

Mr. KENNEDY. And the individuals who received that money have testified before the committee, a number of them, and we have also the testimony and information that there were alterations in the amounts that were received; is that correct?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. What have you found beyond that \$25,000?

Mr. FLANAGAN. We found a check for \$4,500 drawn to Samuel Kirsch.

Mr. KENNEDY. How do you spell his name?

Mr. FLANAGAN. K-i-r-s-c-h.

Mr. KENNEDY. Is that the only money that he received? First, what was the date of that check?

Mr. FLANAGAN. That check was dated September 24, 1954.

Mr. KENNEDY. Did he receive any other money in addition to that \$4,500?

Mr. FLANAGAN. On December 20, 1954, another check for \$4,000 was written to Samuel Kirsch.

Mr. KENNEDY. That was a total of how much for him?

Mr. FLANAGAN. That is a total of \$8,500.

Mr. KENNEDY. What makes us believe that that was in connection with the election? First, who was Samuel Kirsch?

Mr. FLANAGAN. Samuel Kirsch was an advertising solicitor employed by Ben Lapensohn.

Mr. KENNEDY. What do you mean advertising solicitor?

Mr. FLANAGAN. He solicited ads from businessmen for publication in a labor publication.

Mr. KENNEDY. When you call it a labor publication, this is the Pennsylvania—

Mr. FLANAGAN. The Pennsylvania Federationist.

Mr. KENNEDY. It was actually a private operation of Benjamin Lapensohn; was it not?

Mr. FLANAGAN. It was.

Mr. KENNEDY. And he used that name?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. Then Mr. Kirsch solicited ads for Mr. Lapensohn?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. And he, during this period of time, received \$8,500 from the union?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. Did you interview Mr. Kirsch, or was Mr. Kirsch interviewed?

Mr. FLANAGAN. Mr. Kirsch was interviewed in my presence.

Mr. KENNEDY. Did he state what he received that money for, and what he did with the money? Did he state that he went down and had the checks cashed and turned the cash over to Mr. Lapensohn?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. That is what he stated he did with it?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. Mr. Kirsch was expected, Mr. Chairman, to be called as a witness before the committee, but he passed on last week.

What else? The \$8,500 from Mr. Kirsch, and what else?

Mr. FLANAGAN. We have a check No. 10,157—

Senator CURTIS. Before you leave that of Mr. Lapensohn, those two checks, what do you find in the records, if anything, to ascertain whether those funds went to Mr. Lapensohn personally or to Mr. Lapensohn to further Mr. Cohen's campaign for his office in the union?

Mr. FLANAGAN. There is nothing in the record to indicate that Mr. Lapensohn received the money. That information was obtained from an interview with Mr. Kirsch.

Mr. KENNEDY. Was it explained that this was in connection with the campaign?

Mr. FLANAGAN. The check stubs show return of election expense.

Mr. KENNEDY. That is written on the check stubs.

Mr. FLANAGAN. That is written on the check stubs.

Mr. KENNEDY. On the two checks to Samuel Kirsch?

Mr. FLANAGAN. Yes.

Mr. KENNEDY. His explanation is that he received the money and it was turned over to Ben Lapensohn?

Mr. FLANAGAN. Yes.

Mr. KENNEDY. But in any case, it was entered on the books as dealing with the election?

Mr. FLANAGAN. That is right.

Mr. KENNEDY. And beyond that, what have you?

Mr. FLANAGAN. Check No. 10,157, dated December 6, 1954, for \$4,573.43, payable to Warehouse Empolyees' Local No. 169.

Mr. KENNEDY. That is the \$4,000 plus that we have been discussing here this afternoon?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. That local 169 loaned to Raymond Cohen in connection with his election?

Mr. FLANAGAN. That is correct.

Senator CURTIS. Does this appear to be a repayment of that loan?

Mr. FLANAGAN. Yes.

Mr. KENNEDY. That is a repayment of the loan we have been discussing?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. What else?

The retroactive pay, do you have that there?

Mr. FLANAGAN. Yes.

Mr. KENNEDY. What happened was that after Mr. Cohen took over as secretary-treasurer, he gave himself a retroactive pay—took over as secretary-treasurer in early June of 1954. Did he give himself retroactive pay from January 1, 1954?

Mr. FLANAGAN. From January 1, 1954, to June 1, 1954, in the amount of \$6,288.30.

Mr. KENNEDY. \$6,228.30?

Mr. FLANAGAN. \$288.30.

Mr. KENNEDY. And that was retroactive from January 1. That would be the difference that he would have received between being a business agent and being secretary-treasurer, is that right?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. What this amounted to was that he received this amount of money while he was campaigning, in a retroactive fashion, from January to June for this period of time that he was campaigning for the office?

Mr. FLANAGAN. That would be correct.

Mr. KENNEDY. That amounted to \$6,288.30. Did he give himself some expenses, also, some retroactive expenses?

Mr. FLANAGAN. Yes. Mr. Cohen was reimbursed for expenses retroactively to January 1, 1954, in the amount of \$5,673.80.

Mr. KENNEDY. That was in addition to the expenses that he received as a business agent, was it not?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. So he was receiving his expenses during this period of time, but he also gave himself—once he took over as secretary-treasurer, he gave himself retroactive expenses for this amount of \$5,673.

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. What about this group of attorneys that have appeared here before the committee? They were representing him during this period of time. How were they paid?

Mr. FLANAGAN. There was one check payable to Thomas D. McBride for \$7,500, representing a retroactive payment from December 1, 1954, to June 1, 1954.

Mr. KENNEDY. So during this period of time when these attorneys were representing Mr. Raymond Cohen, when he was running for the office of secretary-treasurer, they received no money. Once he was



elected secretary-treasurer, they took a check for \$7,500 out of union funds and paid that to the law firm, is that right?

Mr. FLANAGAN. It was paid to Thomas D. McBride as retainer as of December 1, 1953.

Mr. KENNEDY. So it was a retroactive payment to these lawyers?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. And during that period of time, these attorneys or representatives of this law firm had represented some of these individuals who had been arrested in connection with beating some of Mr. Crumbock's supporters?

Mr. FLANAGAN. I believe Mr. Carroll testified to that fact yesterday.

Mr. KENNEDY. And they were all paid out of union funds, retroactively?

Mr. FLANAGAN. Yes.

Mr. KENNEDY. Was there any other charge to the union in connection with this election?

Senator CURTIS. Before you go to any other charge, what evidence of record do you have that this was retroactive?

Mr. FLANAGAN. The explanation on the check stub.

Senator CURTIS. What does that say?

Mr. FLANAGAN. In which instance, Senator?

Senator CURTIS. I am referring to this retroactive payment of attorney fees, for the attorneys who represented—who was the man that was arrested?

Mr. KENNEDY. Mr. John Myhasuk.

Senator CURTIS. His defense occurred before Mr. Cohen's election, is that right?

Mr. KENNEDY. That is correct.

Senator CURTIS. What do we have to show that after Mr. Cohen's election, his attorney fee was paid out of union funds?

Mr. KENNEDY. The attorney that represented him during this period of time was this Carroll, who has appeared before this committee, out of Mr. McBride's law firm. For this service, during this period of time, from December 1, 1953, when Mr. Cohen began his campaign, until June, when he was elected, the payment to the law firm is shown to have come out of union funds in the form of a \$7,500 check, which shows that it was retroactive to December 1, 1953. It was in this period that the attorneys appeared for Mr. Myhasuk.

Senator CURTIS. Thank you.

Mr. KENNEDY. Do you have any other payments in connection with Mr. Cohen's campaign?

Mr. FLANAGAN. I have another item, check No. 8, 885, dated July 12, 1954, for \$1,000, payable to Raymond Cohen. The purpose for this disbursement, as shown in the records, is reimbursement of expenses to Miami, Fla.

The CHAIRMAN. What is the amount of that?

Mr. FLANAGAN. \$1,000.

Mr. KENNEDY. What was the purpose of that trip to Miami, Fla., at that time?

Mr. FLANAGAN. The purpose of that trip was to meet with Mr. Hartsough to solicit his support for Mr. Cohen's campaign.

Mr. KENNEDY. Was there also another \$1,000 check for another individual to go to Florida? Was there any other payment?

Mr. FLANAGAN. No; I think we have covered all of the payments.

Mr. KENNEDY. That includes not only Mr. Cohen but also includes Mr. Lanni?

Mr. FLANAGAN. That is correct.

Mr. KENNEDY. What was Mr. Lanni's position?

Mr. FLANAGAN. At that time he was head of local 830.

Mr. KENNEDY. Of the Brewery Workers?

Mr. FLANAGAN. Of the Brewery.

Mr. KENNEDY. What do you have as a total of union funds that were used for Mr. Cohen in his election?

Mr. FLANAGAN. The total of the amounts enumerated here is \$58,-535.53.

The CHAIRMAN. Is that in addition to the \$25,000?

Mr. FLANAGAN. No, sir. That includes the \$25,000.

The CHAIRMAN. That includes the \$25,000 of these checks?

Mr. FLANAGAN. Yes, sir.

The CHAIRMAN. But it is in addition to the \$26,000 that you said might be legitimate expense?

Mr. FLANAGAN. That is correct.

The CHAIRMAN. What was that other figure? This one is \$58,-535.52?

Mr. FLANAGAN. \$58,535.53.

The CHAIRMAN. What was the other figure that you calculated might be legitimate?

Mr. FLANAGAN. \$26,809.45.

The CHAIRMAN. Have you totaled the two?

Mr. FLANAGAN. No; I have not.

The CHAIRMAN. According to my calculation, it totals \$85,344.98.

Mr. FLANAGAN. I agree with your total.

The CHAIRMAN. You agree that that is correct?

Mr. FLANAGAN. That is right.

The CHAIRMAN. At least, then, at least \$58,535.53 of it does not have any appearance of legitimacy whatsoever.

Mr. FLANAGAN. That is correct.

The CHAIRMAN. Thank you.

Mr. KENNEDY. Mr. Chairman, I would like to call another staff investigator to testify what else he has found in the books and records of local 107, for which we have no explanation at the present time.

The CHAIRMAN. Come forward.

Mr. KENNEDY. Mr. Ralph DeCarlo.

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. DeCARLO. I do.

#### TESTIMONY OF RALPH DeCARLO

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. DeCARLO. My name is Ralph A. DeCarlo. I reside at 3943 Stratford Road, Drexel Hill, Pa. I have been employed by the General Accounting Office for the past 24 years, in capacities of auditor, accountant, and investigator.

The CHAIRMAN. Thank you very much. Proceed, Mr. Kennedy.

Mr. KENNEDY. You have been associated with various committees of Congress at various times over a period of years; is that right?

Mr. DeCARLO. Yes, sir; I have.

Mr. KENNEDY. Including the Senate Subcommittee on Investigations? You did some work for us on that?

Mr. DeCARLO. Yes, sir.

Mr. KENNEDY. And you have been working with this committee since its inception, have you not?

Mr. DeCARLO. No; since September.

Mr. KENNEDY. Since September.

Mr. DeCARLO. Yes.

Mr. KENNEDY. Did you make a study as to what it has cost the union to have Mr. Raymond Cohen as secretary-treasurer?

Mr. DeCARLO. I have.

Mr. KENNEDY. Would you give us those figures as to what you have found?

Mr. DeCARLO. In summary, I found it cost local 107, \$241,926.65 to have Raymond Cohen as secretary-treasurer from the time he first became secretary-treasurer to September 18, 1957.

The CHAIRMAN. What is the figure again?

Mr. DeCARLO. \$241,926.65.

The CHAIRMAN. What was the date of his election? When did he become secretary-treasurer?

Mr. DeCARLO. I think it was June 1954, the 7th, I believe.

Mr. KENNEDY. This would include, would it not, what it cost the union during the period of time he was a business agent, from January 1, 1954, to June 1, 1954?

Mr. DeCARLO. That is right.

Mr. KENNEDY. This includes the payments for his election that we have discussed?

Mr. DeCARLO. That is right.

Mr. KENNEDY. So it actually includes the period from January 1, 1954, to September 18, 1957?

Mr. DeCARLO. That is right.

Mr. KENNEDY. And 5 months of that period of time was as business agent?

Mr. DeCARLO. Business agent, that is right.

Mr. KENNEDY. And it includes the sums of money, the \$53,000 that the previous witness testified to, as to what it cost the union, in union funds, for the election of Raymond Cohen?

Mr. DeCARLO. It does, sir.

Senator CURTIS. May I ask right there. How large is local 107? Do you have any idea how many members? Do you have an estimate?

Mr. KENNEDY. 14,000. You have broken that down, have you, by year?

Mr. DeCARLO. I have broken it down by year and by subject.

Mr. KENNEDY. Have you also broken it down as to what we on the staff question in this total amount?

Mr. DeCARLO. That is right, sir.

Mr. KENNEDY. The gross salary for 1954 was \$19,731.70, is that right?

Mr. DeCARLO. That was his gross salary, his regular salary.

Mr. KENNEDY. Then we include the amount questioned, \$6,228.30, in addition to that?

Mr. DeCARLO. In addition to that.

Mr. KENNEDY. And that we questioned because that was retroactive; is that right?

Mr. DeCARLO. Yes, sir.

Mr. KENNEDY. And then down here, \$5,673.80, we questioned that because that was a retroactive expense?

Mr. DeCARLO. That is right. It was also retroactive.

Mr. KENNEDY. And he was receiving his regular expenses during that period of time, again in 1954. Then you have a figure of \$3,250, which is a special expense allowance. What is the explanation of that \$3,250?

Mr. DeCARLO. It is a special expense allowance of about \$125 a week that went to Ray Cohen every week. Most of the time the check was drawn and then cashed and he was given the cash.

Mr. KENNEDY. What was that for?

Do we know?

Mr. DeCARLO. No, sir.

Mr. KENNEDY. Was that in addition to his regular expenses?

Mr. DeCARLO. In addition to his regular reimbursable expenses.

Mr. KENNEDY. Was that the expense that came out of the Wilmington, Del. part of the local?

Mr. DeCARLO. I can't answer that.

Mr. KENNEDY. The first 10 checks in that were drawn to Raymond Cohen, as I understand it, and the rest were all drawn to cash?

Mr. DeCARLO. That is right.

The CHAIRMAN. I think you said the total from January 1, 1954, to September 18, 1957, that is the period you cover?

Mr. DeCARLO. That is right, sir.

The CHAIRMAN. That is approximately 45 months, is that correct?

Mr. DeCARLO. That is correct.

The CHAIRMAN. A little division of 45 into 241,000 plus shows an average of five-thousand-five-hundred-and-fifty-some-odd dollars per month, does it not?

Mr. DeCARLO. That is right. I arrived at a figure of \$64,500 a year, average.

The CHAIRMAN. \$64,500 a year, average, or approximately \$5,500 a month?

Mr. DeCARLO. Yes, sir.

The CHAIRMAN. Yes, \$5,500 a month. All right.

Senator CURTIS. Have you examined his income tax return?

Mr. DeCARLO. I have.

Senator CURTIS. That is all at this point.

Mr. KENNEDY. And these other amounts questioned, Samuel Kirsch, the time lost, the repayment of \$4,473, to 169, which we have explained already—

Mr. DeCARLO. Those are the items which have been explained; yes, sir.

Mr. KENNEDY. Then coming across on the first page, the amounts that are questioned in 1955, in the first page, again, are the \$125 a week; in 1956, the same thing; in 1957, the same thing, up to September 1957.

Now let's go to the second page. Again the \$7,500 retroactive legal fee in the first column?

Mr. DeCARLO. That is right. \$7,500 paid to Thomas D. McBride.

Mr. KENNEDY. In addition to that, in 1954, \$49.55 for a Christmas gift to Cohen. Then on air travel we questioned the amount of Mrs. Cohen traveling at union expense, \$55.

Mr. DeCARLO. That is right.

Mr. KENNEDY. And Florida rental for their home, \$1,850.

Mr. DeCARLO. That is right.

Mr. KENNEDY. The Cohens went to Florida in the winter, did they?

Mr. DeCARLO. Yes, sir.

Mr. KENNEDY. And they have a home down there?

Mr. DeCARLO. They rent a home.

Mr. KENNEDY. And the union paid for that?

Mr. DeCARLO. The union paid for it.

Mr. KENNEDY. And Mr. Cohen in that year made a number of purchases of clothes and other gifts?

Mr. DeCARLO. Yes, sir.

Mr. KENNEDY. Totaling \$1,269.79?

Mr. DeCARLO. That is correct.

Mr. KENNEDY. We questioned that.

That year he purchased \$443.39 worth of Christmas gifts at union expense?

Mr. DeCARLO. That is right.

Mr. KENNEDY. Then over in 1956, the amount questioned was Mrs. Cohen and family—Mr. Cohen, of course, traveled, but we questioned Mrs. Cohen's travel at \$33.73 at union expense?

Mr. DeCARLO. That is right.

Mr. KENNEDY. And then the Florida rentals for their home that year was \$2,100, is that right?

Mr. DeCARLO. Right.

Mr. KENNEDY. That was for their home in Florida that year?

Mr. DeCARLO. That is right.

Mr. KENNEDY. Then for his clothes that year, it was \$1,447.35, which was paid for by the union?

Mr. DeCARLO. That is right.

Mr. KENNEDY. And then for yacht equipment, \$654.27, is that right?

Mr. DeCARLO. That was insurance on the yacht and the equipment.

Mr. KENNEDY. Insurance?

Mr. DeCARLO. Yes.

Mr. KENNEDY. That was paid for by the union?

Mr. DeCARLO. By the union.

Senator CURTIS. Who owns the yacht?

Mr. DeCARLO. Mr. Cohen.

Mr. KENNEDY. Then over in 1957, for the travel for Mrs. Cohen and her family, her children, there was \$456.78?

Mr. DeCARLO. Yes, sir.

Mr. KENNEDY. And for that year, the home was \$1,741.12?

Mr. DeCARLO. That is right.

Mr. KENNEDY. That is not for the whole year; is it?



Mr. DeCARLO. Yes; and it also includes the telephone bills. Not for the entire year, but just for the period of time they stayed down there. I don't have the detail on that.

Mr. KENNEDY. While the family was down in Florida, occasionally Mr. Cohen would have a hotel in Philadelphia?

Mr. DeCARLO. That is right. He would stay at a hotel in Philadelphia.

Mr. KENNEDY. And that cost \$1,053.64?

Mr. DeCARLO. That is right. And we questioned it.

Mr. KENNEDY. Then the private telephone in Mr. Cohen's home was \$505.12?

Mr. DeCARLO. That is right. They began paying that in 1957.

Mr. KENNEDY. The total paid by 107 in connection with Mr. Cohen was \$241,926.65, of which we questioned \$90,162.27?

Mr. DeCARLO. That is correct.

The CHAIRMAN. Have you made a calculation of how many members' dues that it takes to support him?

Mr. DeCARLO. No, sir; but we could very easily do it.

The CHAIRMAN. You can say there are roughly 14,000 members, and they pay, roughly, \$5 a month dues, so on that basis it takes 1,075 members' dues a month to take care of the secretary-treasurer; is that accurate?

Mr. KENNEDY. Mr. DeCarlo, you made a schedule here of some of the examples of some of the personal purchases by Mr. Cohen at union expenses?

Mr. DeCARLO. That is right.

Mr. KENNEDY. Such as overcoats, suits, sports coats?

Mr. DeCARLO. That is right.

Mr. KENNEDY. And socks and ties?

Mr. DeCARLO. Yes, sir.

Mr. KENNEDY. And shoes. And certain kinds of jewelry and Polaroid cameras; is that right?

Mr. DeCARLO. That is right.

Mr. KENNEDY. And a plaque for a marlin?

Mr. DeCARLO. Yes, sir. That plaque for a marlin of Thomas D. McBride.

Mr. KENNEDY. Can we have that made an exhibit, Mr. Chairman?

The CHAIRMAN. This compilation that you have been testifying from, you have it compiled; have you?

Mr. DeCARLO. Yes, sir.

The CHAIRMAN. And the items you testified to, itemized?

Mr. DeCARLO. Yes, sir.

Mr. KENNEDY. Mr. Chairman, there is a correction that should be on the top of the first page. He was a business agent from January 1 to June 1. We have him down here as secretary-treasurer from January 1. That correction should be there.

Mr. DeCARLO. That is right.

Mr. KENNEDY. Then this example of personal articles purchased by Raymond Cohen, the suits for \$135 and ties for \$10, could we have that made an exhibit?

The CHAIRMAN. We will make the other one exhibit 21-A, and this one 21-B. They are all part of the same explanation.

Mr. DeCARLO. That is right, sir.

(The documents referred to were marked "Exhibits No. 21-A and 21-B" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Then, Mr. Chairman, are the examples of the air travel by Mr. Cohen and his family.

The CHAIRMAN. This may be made exhibit 21-C.

(The document referred to was marked "Exhibit No. 21-C" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. And then the Florida rentals for his home.

The CHAIRMAN. That may be made exhibit 21-D.

(The document referred to was marked "Exhibit No. 21-D" for reference and may be found in the files of the select committee.)

The CHAIRMAN. All of these you have verified; have you?

Mr. DeCARLO. Yes, sir.

The CHAIRMAN. They represent your work in checking these books?

Mr. DeCARLO. Yes, sir.

The CHAIRMAN. They represent what you found?

Mr. DeCARLO. Yes, sir.

The CHAIRMAN. All right.

Senator CURTIS. This says ties down here, unit price, \$10, total price \$20. Does that mean \$10 for a necktie?

Mr. DeCARLO. Yes, sir.

Senator CURTIS. It wasn't his own money?

Mr. DeCARLO. No, sir.

Mr. KENNEDY. Mr. Chairman, that is just the amount of money that we can trace to Mr. Cohen, as to how much it cost the union. That does not include, of course, these large payments to cash.

The CHAIRMAN. It does not include any kickbacks or anything that is concealed, that is not revealed by the books as I understand it.

Mr. DeCARLO. That is correct.

The CHAIRMAN. In other words, all of this that you testified to is revealed by the records of the union?

Mr. DeCARLO. Yes, sir.

The CHAIRMAN. We do not know how much is concealed in expenditures that are not itemized?

Mr. DeCARLO. That is quite right, sir.

The CHAIRMAN. Or in kickbacks that he may have received from cash that he handled?

Mr. DeCARLO. That is true.

Mr. KENNEDY. Mr. Chairman, we might be able to throw some light on that by calling another witness who can testify from an examination of Mr. Cohen's own expenses.

The CHAIRMAN. All right. Thank you very much.

Call the next witness.

Mr. KENNEDY. Mr. Parkhurst.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PARKHURST. I do.

## TESTIMONY OF EDGAR C. PARKHURST

The CHAIRMAN. State your name, your place of residence, and business or profession.

Mr. PARKHURST. My name is Edgar C. Parkhurst. My residence is 86 Sylvan Avenue, West Hartford, Conn. I am a staff member of this committee.

The CHAIRMAN. What has been your past experience or work, please, sir?

Mr. PARKHURST. I am retired after 25 years as a special agent of the FBI.

The CHAIRMAN. Thank you very much.

Very well.

Mr. KENNEDY. Mr. Chairman, we have had some testimony regarding the amount of checks, amounts of money, that have been written to cash for local 107 during the period of time that Mr. Cohen was secretary-treasurer, totaling some \$250,000.

Mr. Cohen, as we expect to develop with the next two witnesses, spent a great deal of cash himself during that period of time, while he was secretary-treasurer.

The CHAIRMAN. Do I understand that the testimony just received from the previous witness, does not include moneys he may have spent out of cash disbursements from the union?

Mr. KENNEDY. That is correct, unless we do trace it directly to him, where the check has been made payable to him, or where it is written on the books to him, payable to him. But in addition to that, we have this figure of \$250,000 to cash during this period of time.

The witness that preceded this witness testified on the amounts of money that we could trace directly to Raymond Cohen.

The CHAIRMAN. By the records of the union?

Mr. KENNEDY. That is correct.

The CHAIRMAN. And this involves an examination of Mr. Cohen's personal records?

Mr. KENNEDY. That is correct.

The CHAIRMAN. And will indicate that other moneys were received?

Mr. KENNEDY. When you say his personal records, he refused to turn over his personal records. This is an examination of records of individuals who dealt with Mr. Cohen.

The CHAIRMAN. All right. They are not his personal records, but they are records of his personal transactions from other sources?

Mr. KENNEDY. That is correct.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Parkhurst will testify on just two matters and then we will have a witness who will follow him who will testify on a summary basis.

The two matters that Mr. Parkhurst will testify about will be the purchase of boats by Mr. Cohen, and the purchase of a home by Mr. Cohen, and the use of cash in both of those transactions.

The CHAIRMAN. All right, proceed.

Mr. KENNEDY. Mr. Cohen has been interested in having a boat of his own for some period of time, is that right?

Mr. PARKHURST. That is right.

Mr. KENNEDY. The first one that would be of any interest to us would be back in 1950, is that right?

Mr. PARKHURST. Yes.

Mr. KENNEDY. That was a relatively small boat. Will you describe that briefly?

Mr. PARKHURST. That was a 28-foot cabin cruiser, which was 22 years old at the time he purchased it for \$1,100.

Mr. KENNEDY. Do we find that his taste in boats improved after that?

He purchased a number of boats during the intervening years, coming up to 1955. Do we find that his taste in boats had improved considerably during that period of time?

Mr. PARKHURST. It did.

Mr. KENNEDY. What did you find on April 12, 1955? Did we find that Mr. Cohen then purchased a boat which was rather an elaborate boat?

Mr. PARKHURST. He purchased a boat in Miami, Fla., from a Mr. Reid. This was a 34-foot boat which cost \$18,000. Mr. Reid had possession of it a little over a year.

Mr. KENNEDY. How did he pay for that boat?

Mr. PARKHURST. He paid him \$1,000 cash deposit and the balance of \$17,000 in the form of a bank treasurer's check issued by the Broad Street Trust Company of Philadelphia, Pa.

Mr. KENNEDY. How was that treasurer's check purchased?

Mr. PARKHURST. That was purchased with a personal check of Ben Lapensohn on the Broad Street Trust Co.

Mr. KENNEDY. That is the Ben Lapensohn about whom we have had some testimony, is that right?

Mr. PARKHURST. That is right.

Mr. KENNEDY. He was the one that put up the money for this \$17,000; is that right?

Mr. PARKHURST. Yes, sir.

Mr. KENNEDY. And the difference, the \$1,000, was put up by Mr. Cohen himself in the form of cash?

Mr. PARKHURST. Yes.

Mr. KENNEDY. Going through any of the records of Mr. Lapensohn, did it appear that Mr. Lapensohn had been paid back the \$17,000?

Mr. PARKHURST. There was a memorandum in handwriting or handprinting in the files of Mr. Lapensohn indicating that he had received a cash deposit from Mr. Cohen in the amount of \$17,000 for a boat.

Mr. KENNEDY. Do we know what the source of that \$17,000 in cash that came to Mr. Lapensohn was?

Mr. PARKHURST. We do not.

Senator CURTIS. Since you do not know, was it included in the total expenditures about which the previous witness testified?

Mr. KENNEDY. No.

The CHAIRMAN. This is all, Senator, I may say, in addition to what has been traced from the record of the union.

This money being traced from records of others outside the union.

Mr. KENNEDY. That boat was destroyed, or it burned; is that right?

Mr. PARKHURST. That is right.

Mr. KENNEDY. Did Mr. Cohen then purchase another boat in June of 1956?

Mr. PARKHURST. Yes.

Mr. KENNEDY. That was a small boat, was it?

Mr. PARKHURST. That was a 17-foot inboard motorboat which cost \$2,730.

Mr. KENNEDY. And how did Mr. Cohen pay for that boat?

Mr. PARKHURST. In two installments, \$1,000 in cash on June 4, and \$1,700 in cash on June 7, 1956.

Mr. KENNEDY. Do we know where he got that cash to pay for those boats?

Mr. PARKHURST. We were not able to trace it.

Mr. KENNEDY. Ultimately, he sold that boat for \$2,000; is that right, in cash?

Mr. PARKHURST. That is right.

Mr. KENNEDY. On June 3, 1957, did he purchase another boat?

Mr. PARKHURST. Yes, sir. He purchased a new Richardson 40-foot cruiser, a sport cruiser, with accessories, for \$24,000.

Mr. KENNEDY. This was the best boat so far; is that right?

Mr. PARKHURST. This was listed as a \$27,000 boat.

The CHAIRMAN. Would you recognize a picture of it?

Mr. PARKHURST. I don't believe so.

The CHAIRMAN. All right, proceed.

Mr. KENNEDY. That boat was valued at \$27,865; is that right?

Mr. PARKHURST. Yes, sir.

Mr. KENNEDY. There was a dealer's discount of 25 percent?

Mr. PARKHURST. There was.

Mr. KENNEDY. How was that handled between Mr. Cohen and the dealer?

Mr. PARKHURST. Several of the boats that Mr. Cohen bought were purchased through the Gordon Boat Co., of Philadelphia. The Gordon Boat Co. was not the dealer on the Richardson line of boats.

So, he persuaded Gordon to buy it from another dealer and obtain the dealer's discount of 25 percent.

Mr. KENNEDY. That amounted to \$3,865?

Mr. PARKHURST. That amounted to \$6,900, and the Gordon Boat Co. allowed Mr. Cohen a discount of \$3,800, or a little over one-half of the dealer's discount.

Mr. KENNEDY. Did he make out a check to Mr. Cohen for \$3,865?

Mr. PARKHURST. No. It was handled as a trade-in, but, in fact, there was no trade-in.

Mr. KENNEDY. A trade-in for a skiff, is that right, which was valued, he said at \$3,865?

Mr. PARKHURST. Yes.

Mr. KENNEDY. Actually, there was no trade-in?

Mr. PARKHURST. The trade-in did not exist. There was no boat.

Mr. KENNEDY. They arranged to split the discount? Is that right?

Mr. PARKHURST. That is true.

Mr. KENNEDY. Let's go into how he paid for that boat.

Did he put a deposit of \$3,000 in cash?

Mr. PARKHURST. Yes, sir.

Mr. KENNEDY. And that was put down on May 31, 1957, is that right?

Mr. PARKHURST. Yes.

Mr. KENNEDY. And then he had a treasurer's check of \$11,000 which he had obtained by getting a loan from a bank, is that right?

Mr. PARKHURST. That is right.



Mr. KENNEDY. And then the balance of \$10,000 he put down in cash?

Mr. PARKHURST. Out of that \$10,000, \$5,000 came from a savings account in the joint name of Raymond Cohen and his wife. The other \$5,000 in cash we were not able to trace the source of.

Mr. KENNEDY. So out of that transaction, there was \$8,000 in cash which we were unable to trace the source of, is that right?

Mr. PARKHURST. That is true.

Mr. KENNEDY. On June 20, 1957, just during this same period that the other transaction was going on, did he purchase some accessories for his boat?

Mr. PARKHURST. He did.

Mr. KENNEDY. And the accessories included a hot and cold running water system, a telephone, a rockaway pipe chair, and other items?

Mr. PARKHURST. Yes, sir.

Mr. KENNEDY. And he paid for them \$2,032.25? Is that right?

Mr. PARKHURST. Yes, sir.

Mr. KENNEDY. And that was all in cash?

Mr. PARKHURST. That was all in cash.

Mr. KENNEDY. Was there any source for that money?

Mr. PARKHURST. We were not able to trace it.

Mr. KENNEDY. Then on June 19, 1957, he purchased a small Pen-yan boat, a small boat, for his son, is that right?

Mr. PARKHURST. A small boat with an outboard motor.

Mr. KENNEDY. This is still in the same month where he made the purchase of the big yacht, the accessories, and now buying a little boat?

Mr. PARKHURST. One day before.

Mr. KENNEDY. \$1,037.90?

Mr. PARKHURST. Yes, sir.

Mr. KENNEDY. Was that all in cash?

Mr. PARKHURST. All in cash.

Mr. KENNEDY. Were you able to trace that?

Mr. PARKHURST. No.

Mr. KENNEDY. That is from an unidentifiable source, is that right?

Mr. PARKHURST. That is right.

Mr. KENNEDY. Did he purchase another boat in July of 1957?

Mr. PARKHURST. Well, it was a week later. It was June 26, when he made the purchase. He finished paying for it in July.

Mr. KENNEDY. That was the same kind of boat as we just described, another small boat?

Mr. PARKHURST. It was almost identical.

Mr. KENNEDY. That was for another son? \$1,038.88?

Mr. PARKHURST. Yes, sir.

Mr. KENNEDY. That was cash?

Mr. PARKHURST. All cash.

Mr. KENNEDY. And we are unable to trace the course of that cash?

Mr. PARKHURST. That is true.

Mr. KENNEDY. During this period of time, was he cutting down on his purchases in other fields?

Mr. PARKHURST. No, sir.

Mr. KENNEDY. Did he, in fact, purchase a home?

Mr. PARKHURST. He purchased a home at Brigantine, N. J., in 1956.

Mr. KENNEDY. How much was the home?

Mr. PARKHURST. It was a lot with a house on it that cost him \$12,500.

Mr. KENNEDY. And that was by check?

Mr. PARKHURST. By check, personal check.

Mr. KENNEDY. Did he decide to make any alterations in the home?

Mr. PARKHURST. He did make alterations.

Mr. KENNEDY. Did he start those alterations immediately after moving into the home, or shortly after the purchase of the home?

Mr. PARKHURST. Shortly after the purchase, yes, sir.

Mr. KENNEDY. Were those alterations paid for by check or by cash?

Mr. PARKHURST. By cash.

Mr. KENNEDY. And they went from July 19, 1956, to May 7, 1957?

Mr. PARKHURST. That is right.

Mr. KENNEDY. What did they total?

Mr. PARKHURST. \$17,471.

Mr. KENNEDY. And they were all cash?

Mr. PARKHURST. All cash.

Mr. KENNEDY. And there is no source?

Mr. PARKHURST. Well, from what I was able to trace, the proceeds from the sale of one of his boats for \$2,000 was within 1 day of the time that he made a \$2,000 payment on the improvements of his house.

Mr. KENNEDY. So \$2,000, in your estimation, would be traceable to the sale of one of these boats?

Mr. PARKHURST. Yes, sir.

Mr. KENNEDY. So that would leave \$15,471 which is untraceable, is that right?

Mr. PARKHURST. That is true.

Mr. KENNEDY. From an unidentifiable source?

Mr. PARKHURST. Yes, sir.

Mr. KENNEDY. What is your judgment, Mr. Parkhurst, if you could give it to us, on an arrangement such as this, of an individual who deals somewhat in checks and then in these large amounts of cash?

Mr. PARKHURST. I would say it is not the usual business practice.

Mr. KENNEDY. Ordinarily, would you feel that you would be able to trace the source of these cash items; that is, in legitimate transactions?

Mr. PARKHURST. In my experience, we have been very successful in tracing the source of cash in legitimate transactions.

Mr. KENNEDY. And you are not able to trace the source of the cash in these transactions?

Mr. PARKHURST. That is right.

Mr. KENNEDY. That will be all for Mr. Parkhurst at this time, Mr. Chairman, unless you want to go into any of these items.

The CHAIRMAN. I didn't understand how much the house cost that he bought.

Mr. PARKHURST. The original cost was \$12,500. The improvements were \$17,471.

The CHAIRMAN. How much of that is unaccounted for, I mean the source of it?

Mr. PARKHURST. \$15,471.

The CHAIRMAN. That you cannot account for?

Mr. PARKHURST. That is true.

The CHAIRMAN. That was money in cash?

Mr. PARKHURST. Later, after that money had been paid, he put a mortgage on the house for \$15,000, which we are able to trace, but not during the time these payments were being made to the building contractor.

The CHAIRMAN. All right.

Is there anything, Senator Curtis?

Senator CURTIS. Not right now.

The CHAIRMAN. Would you recognize a picture of the house?

Mr. PARKHURST. I have never seen the house.

Senator CURTIS. I do want to ask one thing about the mortgage.

Was this \$15,000 mortgage a new deed, or does that appear to have been given to take care of some of this improvement?

Mr. PARKHURST. The \$15,000 mortgage was put on after the improvements were made, and based on an appraisal, and evaluation fixed by Mr. and Mrs. Cohen at some \$42,000. The bank appraised it at around \$33,000.

Senator CURTIS. From what you could learn, from your investigation, the mortgage was for some other purpose rather than to pay for the improvements?

Mr. PARKHURST. All the improvements were paid for before he obtained the mortgage or the proceeds from the mortgage.

Senator CURTIS. That is all.

Mr. KENNEDY. I would like to recall Mr. Ralph DeCarlo.

#### TESTIMONY OF RALPH DeCARLO—Resumed

Mr. KENNEDY. Mr. DeCarlo, have you made an investigation putting together what Mr. Parkhurst has been working on, as well as some of the other investigators?

Have you been able to put together a picture of Mr. Cohen's finances during the period of time when he was secretary-treasurer?

Mr. DeCARLO. Yes; I have.

Mr. KENNEDY. And the purchases that he was making during this period of time?

Mr. DeCARLO. Yes, I have.

Mr. KENNEDY. Could you tell the committee what your figures reveal as to the net worth of Mr. Cohen at the time he became, or approximately at the time he became secretary-treasurer, and whether there was an increase or decrease up to the period 1957?

Mr. DeCARLO. The closest estimate that I could get of his net worth about the time that he became secretary-treasurer was a statement submitted to the Boardwalk National Bank in obtaining a loan. It was dated October 8, 1953.

Mr. KENNEDY. Which is quite close to the date?

Mr. DeCARLO. Which is within several months of the date. He showed a net worth on that statement of \$32,160. Our investigation disclosed that at that time he also had in his possession about \$4,900 worth of furs and jewels, which were not declared on his statement.

We adjusted the statement and came up with the figure of \$37,060 net worth as of October 8, 1953. Our inventory of his assets and liabilities as of June 30, 1957, show that he had a net worth of \$83,111.02 or an increase during that period of \$46,051.02.

Mr. KENNEDY. His net worth increased during this period of time 3½ years some \$46,000—what is the figure again?

Mr. DeCARLO. \$46,051.02.

The CHAIRMAN. What was his salary during that time?

Mr. DeCARLO. His take-home pay was about \$20,000 a year.

The CHAIRMAN. Out of \$60,000, he increased his net worth by forty-odd-thousand dollars?

Mr. DeCARLO. That is true.

Mr. KENNEDY. It would be about 3½ years. It would be about \$75,000, isn't that correct, in salary?

Mr. DeCARLO. That is correct. We would have to consider the other half year.

Mr. KENNEDY. And it increased \$46,000 during that period of time?

Mr. DeCARLO. That is right. That is correct.

Senator CURTIS. In arriving at his increase in net worth, was there any of that increase that could be attributed to the increased value in capital assets through inflation or otherwise?

Mr. DeCARLO. No, sir. Everything that we included in that inventory was either at cost or at the figure that he showed in his original statement.

Senator CURTIS. So it couldn't be accounted for by an appreciation of value of equity, such as stock or otherwise?

Mr. DeCARLO. No, sir.

Senator CURTIS. There weren't any stocks involved?

Mr. DeCARLO. No stocks involved. All that we could find were some United States savings bonds that he had.

Senator CURTIS. In that \$46,000, is any part of it attributed to an increase in value of that home that he bought or any other property?

Mr. DeCARLO. In that \$46,000 we have the cost of the home and the cost of the alterations.

Senator CURTIS. But no part of it represents anything relating to appreciation of value?

Mr. DeCARLO. Absolutely not.

Mr. KENNEDY. And this is all done without Mr. Cohen allowing us an access to his records?

Mr. DeCARLO. That is true.

Mr. KENNEDY. So this would be a minimum figure, an absolute minimum figure, is that correct?

Mr. DeCARLO. In my opinion it represents a minimum figure.

Mr. KENNEDY. Mr. DeCarlo, during that period of time, did you also make an examination as to the amount of money that was available to him to pay his bills?

Mr. DeCARLO. Yes, sir. I found that during this period, Mr. Cohen had available—

Mr. KENNEDY. What is this? All right, go ahead.

Mr. DeCARLO. \$220,442.43. We also found that his expenditures, and increases in bank balances, amounted to \$206,575.10, indicating that he spent and deposited \$4,132.67 more than he had available from all sources that we knew of.

Mr. KENNEDY. Is this giving him the benefit for salary, all expenses from the union?

Mr. DeCARLO. It is giving him the benefit of every doubtful item we had.

Mr. KENNEDY. Nevertheless, based on the figures that were available from his net worth statement starting in the end of 1953, it indi-

cates that during this period of time he was secretary-treasurer, he was spending more money than he had any legitimate source for?

Mr. DeCARLO. That is true.

Mr. KENNEDY. Is this including his ordinary living expenses?

Mr. DeCARLO. No, sir. We could find no trace of living expenses, except for maybe 2 or 3 insignificant amounts for a telephone bill.

Mr. KENNEDY. This would not be including any of his ordinary living expenses, is that right?

Mr. DeCARLO. That is true.

Mr. KENNEDY. All his living expenses during this almost 4-year period would be added on to this figure, is that right?

Mr. DeCARLO. That is true.

Mr. KENNEDY. Was he in debt at the time? How could a man spend \$4,000 more than he had available?

Mr. DeCARLO. He must have a source of income that we don't know about.

Mr. KENNEDY. He is receiving money from a source, an unidentifiable source, is that right?

Mr. DeCARLO. That is true.

Mr. KENNEDY. And that is established clearly from the fact that he was spending more money than he had received?

Mr. DeCARLO. Absolutely.

Mr. KENNEDY. And this included his salary, his expenses, any interest that he got from any bonds, any loans that he had, anything of that kind?

Mr. DeCARLO. Everything is included that we could find.

Mr. KENNEDY. Giving him the benefit of all of that, and not including the ordinary living expenses, he was still spending more money than he was receiving?

Mr. DeCARLO. That is true.

Mr. KENNEDY. So he had, without any question, and it is clearly established, been getting money from some unidentifiable source?

Mr. DeCARLO. That is true.

Mr. KENNEDY. And he was not declaring this on his income tax?

Mr. DeCARLO. He was not.

The CHAIRMAN. Is there anything further, Senator?

Senator CURTIS. Nothing further.

The CHAIRMAN. This compilation may be made exhibit No. 21-E. It goes along with the others.

(Document referred to was marked "exhibit No. 21-E," for reference, and may be found in the files of the select committee.)

Mr. KENNEDY. During this period of time, we have had some testimony regarding the amounts of cash that Mr. Cohen used, and it was during the period of time that the union was making out large numbers of checks to cash, in large amounts of money.

Do we find that Mr. Cohen was, in fact, using large amounts of cash for his purchases?

Mr. DeCARLO. Yes, sir.

Mr. KENNEDY. Would you give the committee a rundown as to what you have found on that?

Mr. DeCARLO. We found that——

Mr. KENNEDY. Do you have a list?

Mr. DeCARLO. I have a list. Do you want me to itemize the list?

Mr. KENNEDY. Yes.



Mr. DeCARLO. We found the following payments were made in cash:

On March 29, 1955, a \$1,000 downpayment on a Circle R boat; May 9, 1955, \$1,300 that he repaid a bank loan with; June 4, 1956, \$1,000 downpayment on the Trojan 17-foot boat.

On June 6, 1956, \$1,730, the final payment on the Trojan 17-foot boat. On July 19, 1956, a \$4,000 payment to the contractor who was altering his home. On August 22, 1956, a \$2,000 cash payment to the contractor who was altering his home.

On August 31, 1956, a \$2,000 cash payment to the contractor who was altering his home. On September 14, 1956, a \$2,500 cash payment to the contractor.

On October 3, 1956, a \$2,500 cash payment to the contractor. On October 17, 1956, a \$2,500 payment in cash to the contractor.

Sometimes in 1956, Lapensohn's records indicate that Cohen repaid him for the \$17,000 in cash. The specific date is not available.

The CHAIRMAN. Did you inspect that memorandum?

Mr. DeCARLO. Yes, sir.

The CHAIRMAN. Does it reflect paid in cash?

Mr. DeCARLO. Do we have that exhibit?

Mr. KENNEDY. I believe the previous witness testified to that.

The CHAIRMAN. All right.

Mr. DeCARLO. Also in 1956, a \$2,000 loan in cash repaid to Ben Lapensohn, as reflected by that same schedule.

The CHAIRMAN. What date was that?

Mr. DeCARLO. No specific date.

On May 15, 1957, \$745.22, payment of his Federal income tax. On May 31, 1957, a \$3,000 downpayment on the cabin cruiser, *Audrey the Third*.

Senator CURTIS. Do you mean he paid his income tax in cash?

Mr. DeCARLO. Yes, sir.

Senator CURTIS. Was his return subsequently audited?

Mr. DeCARLO. Some of his returns were. On this particular one, I think he had an extension of time on it.

Senator CURTIS. Was the transmission to the collector or the director in actual cash or did he take cash to buy a cashier's check or something?

Mr. DeCARLO. I will put it to you this way: What I was able to get from the records indicated that this was cash. Whether it actually was cash or whether he bought a cashier's check with it, I don't know.

Senator CURTIS. I would think that would certainly alert the collector of internal revenue that he perhaps should look into certain books and records when you get a payment like that in cash.

How much was it, did you say?

Mr. DeCARLO. \$745.22.

Senator CURTIS. That is all.

Mr. DeCARLO. On June 3, 1957, \$5,000 as part of the \$10,000 cash payment for *Audrey the Third*. None of those items are traceable.

Mr. KENNEDY. A total of \$48,275.33?

Mr. DeCARLO. That is correct. We found that he made the following cash deposits in banks, the sources of which could not be traced.

On July 27, 1954, a \$3,000 cash deposit in the Tradesman's Land Title Trust Co., Philadelphia; on February 16, 1955, a \$1,000 cash deposit in the same bank; on June 26, 1956, a \$500 cash deposit in the

Boardwalk National Bank, Atlantic City; August 23, 1956, a \$1,150 cash deposit in that same bank. Total deposits in cash were \$5,650, none of which was traceable.

Mr. KENNEDY. Outside that period or immediately following that period—

Mr. DeCARLO. Immediately following that period we found that Mrs. Cohen purchased a mink stole for \$850 for which she paid cash.

We also found that the insurance policy which covered the mink stole also covered a  $5\frac{1}{2}$ -carat diamond ring which had been valued at \$4,000.

We do not know when they bought the ring or how they paid for it.

Mr. KENNEDY. What is the total cash transactions?

Mr. DeCARLO. The total cash transactions which we could not trace—

Mr. KENNEDY. We know that \$4,000 was not a check during this period.

Mr. DeCARLO. It definitely was not a check transaction and definitely did not come out of any of his bank accounts. The total amount is \$48,775.22.

The CHAIRMAN. That is in addition to the \$46,000 total you referred to a while ago?

Mr. DeCARLO. No; it is all together. This is everything.

The CHAIRMAN. That includes the \$46,000?

Mr. DeCARLO. Yes.

The CHAIRMAN. It is a total of \$58,000 in cash transactions that you cannot trace the source of the cash on?

Mr. DeCARLO. That is true.

The CHAIRMAN. That is over a period of  $3\frac{1}{2}$  years?

Mr. DeCARLO. Approximately  $3\frac{1}{2}$  to  $3\frac{3}{4}$  years.

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you.

Call the next witness.

We will take a 3-minute recess and everybody can stretch.

(A brief recess was taken.)

(Members of the committee present at the taking of the recess were Senators McClellan and Curtis.)

The CHAIRMAN. The committee will come to order.

Mr. KENNEDY. Mr. Cohen.

The CHAIRMAN. Mr. Carroll, the attorney who has been appearing here for some of the witnesses, has requested permission of the Chair to make a statement.

If the Chair understands the nature of the statement, it would be a statement to refute or to explain some testimony which has been given here this afternoon with respect to the \$7,500 retroactive attorney fee.

The committee will be very glad to hear the statement if the statement is made under oath.

Mr. CARROLL. I will be glad to have it made under oath, sir.

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CARROLL. I do.

## TESTIMONY OF JOHN ROGERS CARROLL

The CHAIRMAN. You may state your name for the record, and also your profession.

Mr. CARROLL. My name is John Rogers Carroll, attorney at law. My office is at 2015 Land Title Building, Philadelphia.

The CHAIRMAN. Are you a member of a law firm, Mr. Carroll?

Mr. CARROLL. I am, sir.

The CHAIRMAN. What's the name of the firm?

Mr. CARROLL. McBride, Von Moschzisker, and Bradley.

The CHAIRMAN. Is that the McBride whose name has been referred to here in testimony this afternoon as having received a \$7,500 retroactive attorney fee?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. Were you a member of the firm at the time that the fee was received?

Mr. CARROLL. There was no firm in existence at that time, sir. This firm was formed in November of 1954. The check was received personally by Mr. McBride—

The CHAIRMAN. Were you associated with the firm at that time? You say there was no firm.

Mr. CARROLL. That is correct, sir.

The CHAIRMAN. All the Chair is trying to show, and I want to be perfectly fair about it, is that a question arises in my mind now, if you were not a member of the firm, whether you are the proper one to be heard with respect to the \$7,500 fee.

Mr. McBride himself might well be heard.

Mr. CARROLL. Mr. McBride himself has asked me to make the statement, Senator, and also to say that he is perfectly willing, if you wish to hear him, to come to Washington and testify about it.

The CHAIRMAN. The rules of the committee provide that the one who feels aggrieved or who feels that testimony has been given that reflects upon him, may, with the permission of the committee, appear and testify.

Mr. CARROLL. I understand.

The CHAIRMAN. I assumed you were a member of the firm at the time, and, of course, that it might reflect on the firm, and, since you were a member of it, you might be privileged to make a statement about it.

Mr. CARROLL. In the course of my discussion yesterday, Mr. Chairman, you will recall my stating that although I was not at that time employed by Mr. McBride, I did do some work for him on a desultory basis.

The CHAIRMAN. Unless there is objection, I am going to hear a brief statement from you, but, after all, I think if Mr. McBride feels concerned about the testimony that was given here with respect to him receiving a \$7,500 retroactive fee, I think he is the proper witness to appear and explain it.

However, without objection, the committee will hear you briefly.

Mr. CARROLL. Mr. Flanagan's testimony, of course, accurately stated that Mr. McBride received a check in the sum of \$7,500, I believe in June of 1954. It was then suggested, I believe, by Mr. Kennedy, counsel for the committee, that this check was paid out of union funds for personal representation of Mr. Cohen at a time when Mr. Cohen

was not the secretary-treasurer of local 107. The suggestion is incorrect for this reason:

That on the 15th of November 1953, Mr. Cohen was duly and properly elected as secretary-treasurer of local 107. Mr. McBride was retained by him as counsel for the union at that time. As the committee is aware, subsequent to that, Mr. Crumbock, who Mr. Cohen had defeated for the position of secretary-treasurer, asked David Beck, the general president of the Teamsters Union, who apparently was in Mr. Crumbock's favor, to set aside that election.

Considerable proceedings were had on the question of the trusteeship which Mr. Beck then imposed, improperly in our view. Eventually another election was held and Mr. Cohen again defeated Mr. Crumbock. It is my view and Mr. McBride's that during that entire period, from November 15, 1953, until after the second election in May of 1954, Mr. Cohen was the properly elected secretary-treasurer of local 107, and, as such, had the right to hire counsel for the union, and did so in the person of Mr. McBride.

The CHAIRMAN. As I understand it, the retroactive period covers the period of trusteeship?

Mr. CARROLL. Exactly, sir; and the only reason the payment was delayed was that because of the trusteeship, the properly elected secretary-treasurer did not have access to the union funds.

The CHAIRMAN. In other words, he simply contends that he was entitled to pay during the period of time that there was a trustee, when he felt that he should have been in office.

Mr. CARROLL. Because, as was eventually decided, sir——

The CHAIRMAN. It wasn't decided except by another election.

Mr. CARROLL. That is correct.

The CHAIRMAN. It was not decided that the first election was improper.

Mr. CARROLL. The litigation that was pending all during that time in order to make the decision, was, of course, dropped or made moot by the second election in which Mr. Cohen was reelected.

The CHAIRMAN. At any rate, the \$7,500 was for the benefit of Mr. Cohen primarily?

Mr. CARROLL. No, sir; it was as counsel for the union.

The CHAIRMAN. Representing Mr. Cohen's interests?

Mr. CARROLL. No, sir; representing the union, as the union's counsel in cases in court, and also before the International Brotherhood of Teamsters in the internal proceedings to set aside the trusteeship.

The CHAIRMAN. Did the trustee hire him?

Mr. CARROLL. Of course not, sir.

The CHAIRMAN. The trustee was in charge of the union at that time, and he is the one who was authorized to conduct the affairs of the union. With that I am sure you will agree.

Mr. CARROLL. The trustee, sir, was appointed by Mr. Beck single handedly. This committee has had enough experience with Mr. Beck's activities to know how he does things.

The CHAIRMAN. And we have found out that some local unions do worse.

Mr. KENNEDY. I would like to point out, Mr. Carroll, that your statement today is entirely different from your statement of yesterday.

Mr. CARROLL. Perhaps it is not.

Mr. KENNEDY. In answer to Senator Curtis, who asked who was paying for Mr. Myhasuk, when he was charged with beating up one of these men who appeared before this committee, and you were asked whether union funds were used for that purpose, you stated, "No, they were not."

You said "At that time, the firm with which I was associated was representing Mr. Cohen and that group that was backing Mr. Cohen."

Mr. CARROLL. Let me explain, Mr. Kennedy.

Mr. KENNEDY. "Mr. Gray was the counsel for local 107."

That is what you stated yourself yesterday. You changed in 24 hours.

Mr. CARROLL. The fact of the matter is that there were two factions, Mr. Crumbock and Mr. Cohen. Mr. Cohen, I now say to you, was the properly elected secretary-treasurer of the union as of November 15, 1953.

Mr. KENNEDY. Nobody recognized that except Mr. Cohen and you lawyers who were associated with Mr. McBride.

Mr. CARROLL. Apparently the membership did, too.

Mr. KENNEDY. Later on they had an election. There is no question about that.

Mr. CARROLL. In addition to that, as I said yesterday, no union money was paid for the representation of Mr. Myhasuk. I represented him. Mr. McBride did not. I think you suggested that Mr. McBride during this period did represent some people who were identified as being involved in beatings. That is not so. He did not represent any such persons during that time.

Mr. KENNEDY. Were you associated with Mr. McBride?

Mr. CARROLL. As I said, to you, I did some work for him on a desultory basis at that time.

Mr. KENNEDY. Were you being paid at that time?

Mr. CARROLL. I was not paid anything for that representation.

Mr. KENNEDY. Were you being paid at that time for your association with Mr. McBride?

Mr. CARROLL. Only in an ad hoc case.

Mr. KENNEDY. Mr. McBride was being paid out of the union funds. He got paid the \$7,500 for all the work that he and his associate did for Mr. Cohen, and Mr. Cohen's backers during that period of time.

Mr. CARROLL. During that time, sir, Mr. McBride received nothing.

Mr. KENNEDY. I will say this: Your rationalization of this is similar to your rationalization of representing these witnesses, these truck-drivers, who appear before the committee and take the fifth amendment.

Mr. CARROLL. Sir, that is not so.

The CHAIRMAN. All right. We have heard enough of this.

Mr. CARROLL. I have just one other thing, sir. Mr. McBride has suggested to me that I ought to say to this committee that he feels that had he been asked about this previously, it would have been perfectly well explained, and perhaps much better than I could do it.

The CHAIRMAN. We would have gotten a whole lot more from him than we have from your clients.

Mr. CARROLL. He is still willing to do so, if this committee is willing to hear him.

The CHAIRMAN. This committee will not send for him. If he requests to appear, his request will be heard.



(At this point, Senator Kennedy entered the hearing room.)

The CHAIRMAN. Mr. Cohen, be sworn.

You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COHEN. I do.

**TESTIMONY OF RAYMOND COHEN, ACCOMPANIED BY JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ, COUNSEL—Resumed.**

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. COHEN. Raymond Cohen, 1605 Brigantine Avenue, Brigantine, N. J., secretary-treasurer and business manager of Teamsters Local 107, Philadelphia.

The CHAIRMAN. Thank you very much. Proceed, Mr. Counsel.

Mr. KENNEDY. Mr. Cohen, you have been with local 107 for how long?

(The witness conferred with his counsel.)

Mr. COHEN. I am sorry.

Mr. KENNEDY. You have been with local 107 for how long?

Mr. COHEN. Since its inception, in October 1933.

Mr. KENNEDY. Has that been your only source of income, the moneys that you received from local 107?

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. You were a truckdriver when you first joined local 107?

Mr. COHEN. Yes.

Mr. KENNEDY. When did you become an official or semiofficial of the union?

Mr. COHEN. I started to work for local 107 in November or December, 1933. Prior to that, I was a teamster in local 470, back as far as 1926.

Mr. KENNEDY. You were elected secretary-treasurer in June of 1954, of the union?

Mr. COHEN. I was elected as secretary-treasurer of local 107 November 15, 1953.

Mr. KENNEDY. Did you have another election in June of 1954?

Mr. COHEN. Yes.

Mr. KENNEDY. And you were elected then in June of 1954?

Mr. COHEN. By over 9,000 votes in comparison with Mr. Crumbock's 1,100.

Mr. KENNEDY. Do you hold any other position in the union other than secretary-treasurer?

Mr. COHEN. Business manager.

Mr. KENNEDY. And any other positions in the local or the international?

(The witness conferred with his counsel.)

Mr. COHEN. In the international union? Yes, sir.

Mr. KENNEDY. What do you hold in the international?

Mr. COHEN. Trustee.

Mr. KENNEDY. What are your responsibilities as trustee?

Mr. COHEN. To check the financial record of the international.

Mr. KENNEDY. Who are the other trustees?

Mr. COHEN. A gentleman by the name of Paul Jones, and a fellow by the name of Rauh. The exact spelling of it I don't know.

Mr. KENNEDY. Was it felt that you had a good deal of experience with finances, and that was why you were selected for this job?

Mr. COHEN. I cannot say why I was elected to the job or how they felt as to why I should be elected to the job.

Mr. KENNEDY. Did you tell them about how you were handling the finances of local 107 and they were impressed with that?

Mr. COHEN. I make monthly financial reports to the international union.

Mr. KENNEDY. Are those accurate?

(The witness conferred with his counsel.)

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Do you mean you make reports that you wouldn't testify to as being accurate?

What good is a false report for honest purposes?

(The witness conferred with his counsel.)

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you go down to the convention in Miami with other delegates from local 107?

(The witness conferred with his counsel.)

Mr. COHEN. Yes; I did.

Mr. KENNEDY. Yes; you did?

Mr. COHEN. Yes, sir.

Mr. KENNEDY. How many delegates went down from local 107?

Mr. COHEN. I don't have my records before me, but I think we had, according to our membership, about 19 or 20.

Mr. KENNEDY. How much money did each one of them receive?

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. According to the records of the local, and I would like to ask you if this is correct, they received at least \$31,350; is that correct?

Mr. COHEN. I decline to answer the question for the same reason.

Mr. KENNEDY. What were they going to do with all that money in Miami?

Mr. COHEN. I decline to answer the question for the same reason.

The CHAIRMAN. Was it used for honest purposes?

Mr. COHEN. I decline to answer the question for the same reason.

The CHAIRMAN. Do you think it might intimidate you—incriminate you or intimidate you, if you acknowledged it was used for honest purposes?

Mr. COHEN. It might be used as some evidence against me.

The CHAIRMAN. Is that your honest view?

Mr. COHEN. I decline to answer that for the same reason, Mr. Chairman.

The CHAIRMAN. You don't think that would be used as evidence against you, the fact that you are honest; do you?

It might be evidence for you, but I don't see how it would be evidence against you.

Mr. COHEN. I decline to answer the question for the same reason, Mr. Chairman.

The CHAIRMAN. All right.

Mr. KENNEDY. You received how much money when you went down there?

(The witness conferred with his counsel.)

Mr. COHEN. I decline to answer the question for the same reason.

Mr. KENNEDY. According to the records, you received \$3,000. Is that correct?

(The witness conferred with his counsel.)

Mr. COHEN. I decline to answer the question for the same reason.

Mr. KENNEDY. We have a total of 16 delegates that received this \$31,500. Some of the delegates received \$3,000 and some \$2,500 and some \$2,000. Why did they need that much money down in Miami?

Mr. COHEN. I decline to answer the question for the same reason.

Mr. KENNEDY. We have had some testimoney here that during the period of time you were secretary-treasurer, there was some \$250,000 worth of checks, and these checks were made out to cash. Can you give us any explanation for the use of this money?

Mr. COHEN. I decline to answer the question for the same reason.

Mr. KENNEDY. Didn't some of that money go to you personally?

Mr. COHEN. I decline to answer the question for the same reason.

The CHAIRMAN. Do you think an honest answer to that question might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. COHEN. It might be used as some evidence against me.

The CHAIRMAN. An honest answer?

Mr. COHEN. Yes.

The CHAIRMAN. I see. So you can't give an honest answer?

Mr. COHEN. I decline to answer the question for the same reason.

The CHAIRMAN. Proceed.

Senator KENNEDY. Mr. Chairman?

The CHAIRMAN. Senator Kennedy.

Senator KENNEDY. This morning we had 3 trustees who refused to give any information, who took the fifth amendment on the question of how the \$250,000 was disposed of. Now we have added to that additional funds. Are these in addition?

Mr. KENNEDY. Yes.

Senator KENNEDY. \$31,350, which was spent by 16 delegates under your leadership who went to Miami. For how many days?

Mr. KENNEDY. Six days.

Senator KENNEDY. Some received \$3,000, and you refuse to explain how it was spent. It is my information, when asked about this \$250,000 and this sum—are you the president?

Mr. COHEN. No, sir.

Senator KENNEDY. What are you?

Mr. COHEN. Secretary-treasurer and business manager.

Senator KENNEDY. You were secretary-treasurer while this money was being spent, or all the time it was being spent?

Mr. COHEN. I didn't get the question.

Senator KENNEDY. You were secretary-treasurer all the time this \$250,000 was being spent?

Mr. COHEN. What period?

Senator KENNEDY. January 1954 to September 1957.

Mr. COHEN. Yes, I was.

Senator KENNEDY. You refuse to answer as to how this money was spent? You take the fifth amendment?

Mr. COHEN. I refuse to answer the question for the same reason.

Senator KENNEDY. I think you should resign, too, Mr. Cohen.

Mr. COHEN. Well, I don't mean to be sarcastic, but that is a matter of opinion. I think a 14,000 membership has a right to say whether I should resign or not.

Senator KENNEDY. You are before the committee now. I am just giving you my opinion now.

Mr. COHEN. I said I am sorry. I didn't mean to be sarcastic.

Senator KENNEDY. I am not sarcastic. I think you ought to resign. The reason I think you ought to resign is that this is over \$250,000 at a time you were secretary-treasurer was spent for cash, spent in completely inaccurate files, reports that were tampered with, and you come before the committee and we ask you how it was spent, and you say you wouldn't answer because an honest answer would incriminate you.

For that reason, I don't think you should hold office. As a member of the labor committee, permanent, for 12 years, I don't think you are a responsible labor leader. I think you should resign. I think the three trustees should resign.

I think any officer of a union who comes before this committee and refuses to give us an answer as to how money is spent should resign also.

Mr. COHEN. I would like to say this, Mr. Senator, without, again being repetitious about being sarcastic, but trying to answer you to the best of my ability. We have our membership meetings regularly, especially this coming Sunday, and I would like very much for you to come, or some of the other Senators, to talk to our membership, and let them be the deciding factor as to whether I should resign or not.

Senator KENNEDY. Mr. Cohen, the record is being made here, not only of the \$250,000, the \$31,000, all the reports that were changed, but of the trustees who come before us, and who are unable to give us any information as to how the money was spent. You obviously feel no responsibility at all to the public or to the Congress. I am just giving you my opinion as a member of this committee and as a member of the labor committee for, as I say, nearly 12 years, in the House and in the Senate, chairman of the permanent Subcommittee on Labor, that you should not, in my opinion, hold a position which involves the public interest to the point that it does in the State of Pennsylvania.

I don't think the AFL-CIO, from which the Teamsters have been expelled, would keep you in office for a minute. You have breached and the officers of your union have breached, most of the ethical practices code set up by them for honest, responsible trade union movements.

That is my opinion.

(The witness conferred with his counsel.)

Mr. COHEN. Mr. Senator, I would like to say that on the allegations and accusations that have been made, I think I only owe a responsi-

bility to the membership of local 107 who elected me to the post that I now have.

Senator KENNEDY. In addition, Mr. Cohen, it is not a question of your choosing that you don't want to talk to us. You are stating under oath that if you do answer honestly, it would incriminate you. This is not a visit or an accommodation.

You are stating under oath, or you are in contempt of this committee, that an honest answer by you would incriminate you.

This is not a matter of your being reluctant to answer on union business. You are saying that you would be incriminated yourself, and possibly subject to criminal penalties, if you give an answer.

(The witness conferred with his counsel.)

Senator KENNEDY. Either that, as the chairman says, or you are committing perjury; one or the other.

I am hopeful that the counsel will go through, as I know he will, many of these accounts, which will show that you have not met your trust, not only for the \$250,000, plus these lavish expenditures for Miami, \$31,000 for 16 delegates for 5 days in Miami—that is quite a lot of money, with \$3,000 for yourself alone, and you refuse to tell us how you spent it.

Do you have any vouchers?

Mr. COHEN. I refuse to answer that question, Mr. Senator.

Senator KENNEDY. On what ground?

Mr. COHEN. For the same reason.

Senator KENNEDY. Repeat it. I want to hear it. On what ground?

Mr. COHEN. I decline to answer the question on the grounds that I am not required to give evidence against myself under the fifth amendment.

Senator KENNEDY. And will you make that—repeat that. Is it because you feel that an honest answer will incriminate you?

Is it because you feel that an honest answer would incriminate you or might incriminate you, or tend to incriminate you?

(The witness conferred with his counsel.)

Mr. COHEN. It might be used as evidence against me.

Senator KENNEDY. All right. I want to make clear that when I mentioned the \$250,000, the changing of the records, and your inability and unwillingness to explain that and the \$31,000, in addition to that there are a great many other expenditures for your personal purposes, including undershirts, robes, ties, socks, which I understand the counsel will discuss with you, which you also probably are going to be reluctant to talk about, which were charged to the union and paid by the union, and quite obviously personal matters, which I hope the membership will examine. Long-sleeve dress shirts, short-sleeve dress shirts, paid for by Teamster Local 107.

I will yield back to the counsel.

The CHAIRMAN. All right, Mr. Counsel.

Mr. KENNEDY. Were you buying your suits at union expense, Mr. Cohen?

(The witness conferred with his counsel.)

Mr. COHEN. I decline to answer the question on the grounds I am not required to give evidence against myself under the fifth amendment.



Mr. KENNEDY. And your suits at \$135 apiece, two gray worsted suits, black overcoat for \$135, was that all paid for out of union expense?

Mr. COHEN. I decline to answer the question on the grounds that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. And the \$10 tie, was that paid for out of union expense?

Mr. COHEN. I decline to answer the question for the same reason.

Mr. KENNEDY. And sending your wife to Florida each year, that was paid out of union expense, was it not?

(The witness conferred with his counsel.)

Mr. COHEN. I decline to answer the question for the same reason.

Mr. KENNEDY. And the rent at your Florida home, about \$2,000 each year, all paid out of union funds?

(The witness conferred with his counsel.)

Mr. COHEN. I decline to answer the question for the same reason.

Senator KENNEDY. I would like to ask, Mr. Chairman, his counsel whether he was aware of these expenditures for personal purposes.

Mr. CARROLL. We have just received this.

Senator KENNEDY. You never knew of this before?

Mr. CARROLL. No, sir. We have been aware, of course, that the union customarily buys things to give as Christmas presents for various people with whom they do business.

Senator KENNEDY. I wonder if we have a list of all of those expenditures for Christmas presents.

Mr. CARROLL. I don't know whether you have or not. You have every scrap of paper that you asked for.

Senator KENNEDY. I would like to know if you knew of these expenditures for Mr. Cohen himself.

Mr. CARROLL. I just received this 5 minutes ago.

Senator KENNEDY. We come back to the question of conflict of interest. I want to know whether you feel yet that there has been a conflict of interest.

Mr. CARROLL. As a result of this, I have advised Mr. Cohen that at the earliest opportunity he and I and Mr. Markowitz must sit down and discuss this in detail to ascertain whether that point has arrived.

Senator KENNEDY. Would you inform the committee when you do?

Mr. CARROLL. If I am absent, I think it would be obvious.

Senator KENNEDY. When you say you will sit down, do you intend to sit down when the committee adjourns today?

Mr. CARROLL. I intend to do it. In fact, if you want to adjourn now, I will do it now.

The CHAIRMAN. Can we go on for 10 minutes?

Senator CURTIS. Mr. Chairman, I have a few questions I want to ask Mr. Cohen.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. How does a truckdriver get a job in the Philadelphia area, Mr. Cohen?

(The witness conferred with his counsel.)

Mr. COHEN. Do you mean a union truckdriver or a nonunion truckdriver?

Senator CURTIS. I mean a truckdriver for one of the concerns with whom you have a contract.

Mr. COHEN. To try to get a job from a company who is under contract with the union?

Senator CURTIS. Yes. You operate under a master contract in the area, do you not?

Mr. COHEN. That is right, sir.

Senator CURTIS. I am referring to employment with those companies covered by the master contract. How does a truckdriver get a job?

Mr. COHEN. Well, they just go up to the trucking company and ask for a job.

Senator CURTIS. Do they have to contact the shop steward?

Mr. COHEN. No, sir.

Senator CURTIS. Do you maintain a hiring hall?

Mr. COHEN. Well, now, you have asked me how a truckdriver gets a job from a trucking concern under contract with the union.

Any truckdriver can go to any trucking concern under contract with the union and get a job.

Senator CURTIS. Do you have a hiring hall?

Mr. COHEN. Yes, we do.

Senator CURTIS. Who operates that?

Mr. COHEN. The union.

Senator CURTIS. What is the name of the individual in charge?

(At this point, Senator Kennedy withdrew from the hearing room.)

Mr. COHEN. There are four individuals at the hiring hall. Walter Mitchell is in charge of the hiring hall.

Senator CURTIS. Who else?

Mr. COHEN. Joseph Cendrowski, Peter Luscko, Edward Rhoda. We have a night shift and a day shift.

Senator CURTIS. Does everybody that gets a job join the union?

Mr. COHEN. After the required amount of days, under the Taft-Hartley law.

Senator CURTIS. How many days is that?

Mr. COHEN. Thirty-one or more.

Senator CURTIS. After they have gotten their job, and worked 31 or more days and joined the union, can they drop out of the union without losing their job?

Mr. COHEN. I don't understand what you mean, Senator.

Senator CURTIS. All right. After the 31 days are up and they are in the union, can they withdraw from the union without losing their job?

(The witness conferred with his counsel.)

Mr. COHEN. As a condition of employment under the contract, he would be required to continue to be a paid-up member in the union.

Senator CURTIS. In other words, these men who are working and supporting their families by driving trucks and doing also other work, if they stop paying their union dues, they lose their job, isn't that right?

(The witness conferred with his counsel.)

Mr. COHEN. Yes, under the union security clause in the contract.

Senator CURTIS. Even though—

Mr. COHEN. After a certain amount of notice, which is required under the law, from the union to the employer.

Senator CURTIS. If these members believe the charges that have been made against you, if they believe that those charges are true, that their dues money is taken to buy \$10 neckties, and that some of their money goes into boats, all that sort of thing, they can't stop paying dues without losing their job, can they?

Mr. COHEN. Well, I can only answer that, Senator, by saying that under the conditions that our membership enjoy since I have become head of the union in 1954, in which they have gotten an increase of over 70 cents an hour, plus vacations, plus health and welfare, plus pension, to my knowledge none of our membership would like to leave our local union.

Senator CURTIS. Well, I am not so sure about that. I think a good union will attract good workers. We are the only country in the world that has compulsory union membership, and as long as we have it, individuals will seek to head unions because they have a captive membership.

I do not think for a minute that, if the Commonwealth of Pennsylvania would protect the workers of Pennsylvania in their constitutional right to work, they would stay in any organization that spent their money like it has been alleged here that they spent it.

While I concur in the distinguished Senator from Massachusetts' recommendations that you ought to resign, I think the poor fellows who are paying the bill ought to be permitted to resign from your union without becoming unemployed and losing their livelihood.

Mr. COHEN. I would like to say, Mr. Senator, we have not only gotten the increases which I have stated for our membership in local 107, but we have increased our membership over 4,000 truckdrivers in the last couple of years.

Senator CURTIS. Yes, and I don't think any of them will ever get away.

Mr. COHEN. They have no reasons to want to get away.

Senator CURTIS. It is the only place in the world where we turn over to unworthy union leaders the power to keep their members captive, or lose their jobs. I think if we would give to the workers of the country the right to join or not to join a union, and to stay in a union or not, as their own voluntary right, it will do more to clean up transactions like this overnight because they just wouldn't stand for it. The workers of the country are good citizens and good people and do not believe in this sort of thing.

Mr. COHEN. Mr. Senator, would you call a captive local a local union like 107 in Philadelphia who had their choice to vote as to who they wanted for secretary-treasurer in 1954 by secret ballot a captive local?

Senator CURTIS. Yes. They are captives. Every one of them has to stay in the union or lose their job.

Mr. COHEN. There wasn't any compulsory, I don't think, at that time, as to whether they should stay in the union or not.

The CHAIRMAN. You might be reminded, sir, that some of them who didn't vote for you got beat up. It looks like it is a little bit captive to me.

Senator CURTIS. I believe the good people that do the work there in the Philadelphia area just wouldn't support a union like this if they didn't have to. I think they are captives.

(The witness conferred with his counsel.)

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. The committee will stand in recess until 10:30 tomorrow morning.

(Whereupon, at 4:30 p. m. the hearing was recessed, to reconvene at 10:30 a. m. Friday, April 18, 1958. At this time the following members were present: Senators McClellan and Curtis.)





# INVESTIGATION OF IMPROPER PRACTICES IN THE LABOR OR MANAGEMENT FIELD

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FRIDAY, APRIL 18, 1958

UNITED STATES SENATE,  
SELECT COMMITTEE ON IMPROPER ACTIVITIES  
IN THE LABOR OR MANAGEMENT FIELD,  
*Washington, D. C.*

The select committee met at 10:30 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in the Caucus Room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator John F. Kennedy, Democrat, Massachusetts; Senator Barry Goldwater, Republican, Arizona; Senator Carl Curtis, Republican, Nebraska; Senator Karl Mundt, Republican, South Dakota.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlman, assistant chief counsel; John B. Flanagan, investigator; Leo C. Nulty, investigator; Herbert J. Rose, Jr., investigator; Ralph DeCarlo, investigator; Ruth Young Watt, chief clerk.

(At the convening of the session, the following members were present: Senators McClellan and Goldwater, Ives, and Curtis.)

The CHAIRMAN. The committee will come to order. Mr. Cohen, will you return to the stand, please, sir?

**TESTIMONY OF RAYMOND COHEN, ACCOMPANIED BY JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ, COUNSEL—Resumed.**

The CHAIRMAN. You may be seated.

There is a little matter we will take up a few minutes later, maybe. We are waiting for another member of the committee. I desired to have him present. In the meantime, Mr. Kennedy, you may proceed with the interrogation of Mr. Cohen.

The Chair is advised the other member of the committee may not get here, so we will proceed.

Yesterday afternoon, when we concluded, or just before we recessed, the question was raised about the propriety of the counsel, Mr. Carroll and Mr. Markowitz, in view of testimony that had developed, the propriety of their continuing to represent what may be both sides, both interests, during the further investigation proceedings of this committee. Counsel indicated yesterday afternoon they wanted to have a conference with their clients about the matter to discuss it. I assume they are ready to make a report to the committee this morning as to their conclusions about it.

We will be very glad to hear from you, Mr. Carroll.

Mr. CARROLL. I am ready to make such a report, Senator. In accordance with my promise of yesterday afternoon, I did consider this matter with Mr. Cohen, with Mr. Markowitz, and also with my senior partners, Mr. Von Moschzisker, and Mr. Bradley, who came to Washington last night for the purpose of discussing the matter. We considered it long and hard. In addition, we are all agreed, as I have previously stated to this committee, that we intend to be bound and guided by the opinion of the Philadelphia Bar Association's standing committee on professional guidance, whose opinion is already in the record.

As a result of our discussions, I may say we have unanimously concluded that with propriety I shall and may continue to represent Mr. Cohen, simultaneously with the union, as well as certain other witnesses who are under subpoena and who are present here.

In addition to that, I should say that Mr. Moschzisker and Mr. Bradley are in the hearing room at present and would like to be heard on this question.

Finally, we are advised that the Philadelphia Bar Association's committee on professional guidance has scheduled another meeting next Tuesday afternoon to reconsider the same problem in the light of the public statements that have been made.

We have agreed to make available to them the entire transcript of this hearing so that we may receive their further advice. In view of the fact that they are meeting next Tuesday, I think that they will then advise us as to the propriety of continued representation under the circumstances.

As I said before, we will abide by their advice, until they advise us to the contrary. Our conclusion in the light of their opinion is that we may, with propriety, continue this representation.

The CHAIRMAN. So you have concluded that you can, you feel that you can, continue without any impropriety or improper, unethical act?

Mr. CARROLL. That's correct, sir.

The CHAIRMAN. What is the judgment of the committee?

Senator CURTIS, do you have any question about it?

Senator CURTIS. No. I think, Mr. Chairman, there is nothing I could suggest that might lead to any matter being resolved here this morning.

The CHAIRMAN. Senator Ives?

Senator IVES. I had a talk with Mr. Carroll before this business started. I don't like to see a young man, apparently as clean cut as Mr. Carroll is, risk his reputation and his future on something as dubious as this appears to be. I suggested that to him. I think he ought to have another soul searching on this matter, although if the committee in Philadelphia is going to take it up further that may let him out of the situation.

You have a good future ahead of you, Mr. Carroll. Don't risk it.

Mr. CARROLL. Senator, I have an equal duty, whatever my future may be, to represent my clients with fidelity, and I cannot forsake that in the present for the sake of some future—

Senator IVES. I know that. I wouldn't argue with you about that point. But apparently you may have been misled somewhere here.

Time will tell you whether you have or not. If you have, you better reconsider.

Mr. CARROLL. Senator, I don't think I have been misled.

The CHAIRMAN. Senator Goldwater, have you any comments?

Senator GOLDWATER. No; I have no statement.

The CHAIRMAN. The Chair will make this statement. The Chair tries to be very liberal, very generous. That is the way the Chair feels about it, especially with respect to attorneys.

I have had a little experience in that profession. Often an attorney's position can be misunderstood. To the Chair, however, it is rather apparent that there is a serious conflict of interest here. I am not going to deny these witnesses, however, as they come on, counsel that has been selected for them and that they accept. I am not going to deny them the right to that counsel at the present. I think as this hearing proceeds, and when the committee weighs the evidence, it may have something to say about it. But I am not saying what it will say, nor do I know.

But I think this definitely is something, that, if counsel is undertaking to represent a duplicity and conflict of interest, I think it would be another circumstance pointing up the improper practices of this union. Of course, the counsel will have to take the chance of any reflection upon him and his professional standing for doing it.

The committee could very well deny these men the right to this particular counsel. That would incur some delay if we did it. It would take some time to secure other counsel. But rather than to deny them, if they want to continue with this particular counsel, the Chair is inclined to let them do so, reserving the right of the committee to weigh it in the light of what has already been developed in the testimony and what may hereafter be developed in the testimony with respect to the propriety of it.

The Chair would not be bound, necessarily, and I will speak this personally, I will not be bound necessarily by some committee of lawyers, maybe, in another State, or anywhere else. If I thought they were wrong, I would say so just as frankly as I would if I disagreed with the counsel who was present. But I don't want to delay these hearings. The pattern is unfolding that I think is very significant. I want this pattern to continue, if that is the will of those who are cutting out. I want to get it clearly on record so that the committee, the Congress, and the public can weigh it, and evaluate it for its proper merit or lack of merit.

So, without objection on the part of the committee, we will proceed.

All right, Mr. Kennedy.

Mr. KENNEDY. Can I ask Mr. Carroll a question?

The CHAIRMAN. Yes, you may.

Mr. KENNEDY. Mr. Carroll, do you feel that the union members are entitled to hear truthful answers before the congressional committee from their leadership?

Mr. CARROLL. I do not think, sir, if I understand you correctly, that the union members have a right to insist that their officers or the other members give up their constitutional rights.

Mr. KENNEDY. That is not the question here. Do you feel that the union membership is entitled to have truthful answers before a congressional committee?

Mr. CARROLL. If answers are given, they are entitled to truthful answers. But if a constitutional privilege is available to the witness, I don't think that his membership has the right to demand that he give it up.

Mr. KENNEDY. Don't you think, right there, there is a conflict of interest, because the membership is entitled to the answers to these questions, is entitled to know under oath how their union funds are being used, and the witness, a union official, who might have the answers, is entitled to take the fifth amendment? That is recognized. But there is a conflict between the union official, his rights, and the rights of the union membership.

Mr. CARROLL. Only on your hypothesis, sir.

Mr. KENNEDY. I think it is basic, that when a union official appears before a committee, and is asked about the misuse of some \$250,000 in cash, when he is asked questions about that, that the union membership is entitled to have answers to that question.

Mr. CARROLL. The union membership is certainly entitled to have answers to that question. Your question rather goes to the forum in which the answers will be given.

Mr. KENNEDY. Right.

Mr. CARROLL. If, in a forum such as this, there arises circumstances in which the man might endanger himself with respect to some offense by giving testimony, then he has his constitutional privilege available.

Mr. KENNEDY. That is fine. That is as far as he is concerned. He does have that constitutional defense available and he is entitled to have an attorney defend him. But, at the same time, the union membership is entitled to have these answers. So, therefore, automatically there is a conflict of interest. No matter whether this man is guilty or not, there is a conflict of interest.

Mr. CARROLL. I regret, sir, that I do not see the logic of your statement.

The CHAIRMAN. We will proceed. The Chair will make this observation:

With respect to this constitutional right, if I had an employee handling my affairs, and when he was questioned about it under oath he took the fifth amendment, a privilege he would have a right to exercise, I assume, he could exercise that privilege, but I would immediately exercise mine and fire him. I wouldn't want him any longer. If a man worked for me handling my financial affairs, who couldn't under oath give an accounting of his stewardship to me, I wouldn't want him in office.

Mr. CARROLL. You understand, sir, the Supreme Court has considered that precise question and decided it against you.

(At this point, Senator Ives withdrew from the hearing room.)

The CHAIRMAN. I don't care what any court considered. It couldn't keep me from firing him.

Mr. CARROLL. I took an oath to uphold my judgment.

The CHAIRMAN. Let's proceed.

Mr. Kennedy, interrogate the witness.

(At this point, the following members of the committee were present: Senators McClellan, Goldwater, and Curtis.)

Mr. KENNEDY. What I would like to find out from you, Mr. Cohen, is how you were able to spend in the period of time that you were secretary \$4,000 more than you were earning during that period of time.

Mr. COHEN. I didn't hear the last part of your question. I am sorry.

Mr. KENNEDY. The question is: During the period of time that you were secretary-treasurer how were you able to spend \$4,000 more than any source of income that you had?

Mr. COHEN. I refuse to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Do you feel that if you gave a truthful answer to that question it might tend to incriminate you?

(Witness conferred with his counsel.)

Mr. COHEN. A truthful answer might be some evidence against me.

Mr. KENNEDY. It might tend to incriminate you?

Mr. COHEN. I said a truthful answer might give some evidence against me.

Mr. KENNEDY. Could you explain to the committee where the source of some \$57,000 in checks that you wrote to cash, purchases that you made to cash during the period of time that you were secretary-treasurer?

(Witness conferred with his counsel.)

Mr. KENNEDY. Would you explain to the committee the source of those funds?

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you steal the funds from the union?

Mr. COHEN. I decline to answer the question on the ground I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. You did, in fact, steal the money from the union, did you not, Mr. Cohen?

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. In addition to stealing from the union to make these cash purchases, did you steal money from the union to pay your personal bills?

Mr. COHEN. I decline to answer the question on the ground that I am not required to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did you buy your clothes at union expense?

Mr. COHEN. I decline to answer the question on the ground I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. A brown suit, a grey suit, black overcoat. Did you buy all those at union expense?

Mr. COHEN. I decline to answer the question on the ground I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Your socks and your ties, did you buy those at union expense?

Mr. COHEN. I decline to answer the question on the ground I am not required to give evidence against myself under the fifth amendment.



Mr. KENNEDY. Our records show that you did make all these purchases at union expense. In addition to that, a robe, your shirts, long-sleeve sport shirts, and short-sleeve sport shirts, all at union expense.

Did you do that?

(Witness conferred with his counsel.)

Mr. COHEN. I decline to answer for the same reason.

Mr. KENNEDY. How about your 12 pairs of socks at \$1.20 apiece?

Mr. COHEN. I decline to answer for the same reason.

Mr. KENNEDY. And your shoes, did you buy those at union expense?

Mr. COHEN. I decline to answer for the same reason.

Mr. KENNEDY. And your 6 dress shirts at \$12.50 apiece, according to our records, all at union expense?

Mr. COHEN. I decline to answer for the same reason.

Mr. KENNEDY. Jewelry at union expense?

Mr. COHEN. I decline to answer for the same reason.

Mr. KENNEDY. Ten-dollar ties?

Mr. COHEN. I decline to answer for the same reason.

Mr. KENNEDY. Polaroid camera at union expense; did you buy that?

(Witness conferred with his counsel.)

Mr. COHEN. I decline to answer for the same reason.

(Witness conferred with his counsel.)

Mr. KENNEDY. And your meter and case and your films and flash-bulbs. Did you buy all that at union expense?

Mr. COHEN. Would you pardon me?

(Witness conferred with his counsel.)

The CHAIRMAN. Let us proceed.

(Witness conferred with his counsel.)

The CHAIRMAN. Let us proceed. What is your answer?

Mr. COHEN. I decline to answer on the same grounds.

The CHAIRMAN. You better state the ground occasionally. The same ground gets to be a little monotonous.

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. Chairman, I would also like to say, if possible, to shorten some of the same questions, if it is on exhibit 21, things that were supposed to be purchased and paid for by the union, the same answer would stand there.

The CHAIRMAN. Of course, we never know whether you might have a change of conscience or not and the only way to actually test it is to proceed.

Proceed, Mr. Kennedy.

Mr. KENNEDY. How about a plaque for a marlin for Mr. McBride for \$11.62?

(Witness conferred with his counsel.)

Mr. KENNEDY. Was that paid out of union funds?

Mr. COHEN. Was your question: "Whether the union paid for Mr. McBride's plaque for his marlin?"

Mr. KENNEDY. Yes.

Mr. COHEN. My answer is "Yes."

Mr. KENNEDY. Was that authorized by the union?

Mr. COHEN. We were very pleased to.

Mr. KENNEDY. Was that authorized by the union?

Mr. COHEN. Yes.

Mr. KENNEDY. And at a general membership meeting?

Mr. COHEN. There is no necessity for authorization for items pertaining, for instance, that plaque, from the membership. I am in full authority to do those different incidentals.

Mr. KENNEDY. That is an incidental?

Mr. COHEN. For myself, yes.

The CHAIRMAN. I see that some questions will be answered and sometimes maybe a good explanation can be made.

I want to make the record as accurate as we can make it, and insofar as the witness will cooperate. I don't know, there may be a good many things in this record that might be well explained, and I think the committee is entitled to have you explain it, if you will, where you can do so, without incriminating yourself.

Where you cannot, of course, you should take the fifth amendment, I assume, if you desire to do so.

Proceed, Mr. Kennedy.

Mr. KENNEDY. That plaque was an incidental that you could approve of? Is that right?

Mr. COHEN. That plaque was what?

Mr. KENNEDY. That was an incidental over which you have control? You can purchase incidentals?

Mr. COHEN. I have the authority to purchase what I want to purchase as far as giving gifts or other incidentals.

Mr. KENNEDY. And could you give Christmas gifts of large sums of money to people?

(Witness conferred with his counsel.)

Mr. KENNEDY. Could you do that?

Mr. COHEN. I decline to answer that question for the same reason I refused prior to this.

Mr. KENNEDY. That does not come under the category of incidentals?

Mr. COHEN. I decline to answer the question for the same reason.

Mr. KENNEDY. What is in the category of incidentals? Could you tell us that?

(Witness conferred with his counsel.)

Mr. COHEN. I decline to answer that question for the same reason.

Mr. KENNEDY. The only one you will mention is the plaque, is that right? Can you think of anything other than a plaque that you could give under the category of incidental gifts?

Mr. COHEN. I refuse to answer that question for the same reason.

Mr. KENNEDY. Could you tell us where the downpayment of \$1,000 in cash for your *Circle-R* boat, what the source of those funds were?

Mr. COHEN. I refuse to answer that question for the same reason.

Mr. KENNEDY. Were they union funds?

The CHAIRMAN. On some of these questions, the Chair will insist that you make a proper answer to them.

I am not going to let the record just be the same reason, same reason. We are going to have the reason stated. Because the witness has answered one question here with respect to authority to spend money for incidentals, and then when asked what an incidental is, you take the fifth amendment on it.

I doubt you are privileged to do it after you once state you have that authority.

Ask him that question again and with the permission of the committee, the Chair will order him to answer what he regards as incidentals.

He says he has authority to spend money for incidentals. Since he claims to have the authority, he should be able to describe to the committee what that authority embraces with respect to what is an incidental.

(At this point, Senator Goldwater left the hearing room.)

Mr. KENNEDY. Would you tell us what falls in the category of incidentals, Mr. Cohen?

(Witness conferred with his counsel.)

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. The Chair will ask the question and I will preface it with this statement:

The witness has testified that he is authorized in his capacity as secretary-treasurer to buy incidentals out of union funds.

The question now, Mr. Cohen, that the Chair directs to you, is, What is incidental within the authority that you stated you have?

(Witness conferred with his counsel.)

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. With the permission of the committee, the Chair orders and directs the witness to answer this question.

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

(At this point, the following members of the committee were present: Senators McClellan and Curtis.)

The CHAIRMAN. The Chair is of the opinion, and I stated for the record, that when you testified you had authority to buy incidentals, the committee has a right to inquire, and you have the duty now to answer as to what is an incidental that comes within that authority.

(Witness conferred with his counsel.)

The CHAIRMAN. You have identified one item as being such an incidental in addition to saying you have the authority and, therefore, the Chair holds that it is your duty now, after having given that testimony, to answer the question as to what are incidentals that come within your authority?

What is the category of incidentals that come within your authority that you have under oath stated you have.

(Witness conferred with his counsel.)

The CHAIRMAN. So again the Chair, after making that statement to you, and you have counsel present to advise you of your legal right, after making that statement to you, the Chair again, with the permission of the committee, orders and directs you to answer the question.

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. All right, Mr. Kennedy, proceed.

Mr. KENNEDY. Are you under bond, Mr. Cohen?

(Witness conferred with his counsel.)

Mr. COHEN. Yes, sir.

Mr. KENNEDY. Is it a \$50,000 bond?

Mr. COHEN. That's right.

Mr. KENNEDY. Have you been under that \$50,000 bond since you became secretary-treasurer?

Mr. COHEN. That's right.

Mr. KENNEDY. When was that?

Mr. COHEN. Somewhere in the month of June 1954.

Mr. KENNEDY. I want to ask you some other questions.

Mr. COHEN. Compulsory under the constitution of the International Brotherhood.

Mr. KENNEDY. What is the jurisdiction of local 107?

(Witness conferred with his counsel.)

Mr. KENNEDY. You can tell me that, I am sure.

Mr. COHEN. Mr. Kennedy, you will have to make that a little more specific.

I don't exactly know what you mean.

Mr. KENNEDY. Are you over-the-road drivers, or warehousemen, or what? What is your jurisdiction. How far does it spread for local 107?

What is the chief jurisdiction of local 107?

Mr. COHEN. You have asked me two questions? You asked me are we over-the-road drivers, are we overdrivers, and how far do we spread.

Mr. KENNEDY. Yes. Local 107; what is their jurisdiction? What categories are they supposed to cover?

Mr. COHEN. Jurisdiction is in Philadelphia for a certain classification of drivers, helpers, and platform men.

Mr. KENNEDY. What is the classification?

Mr. COHEN. Which classification do we have in local 107?

Mr. KENNEDY. That's right.

Mr. COHEN. We have over-the-road truckdrivers, we have parcel delivery drivers, we have city drivers, we have city helpers and city platform men, we have dispatchers and receivers, and we have some warehousemen. We have allied workers. I think that covers it, Mr. Kennedy.

(At this point, the following members were present: Senators McClellan and Curtis.)

Mr. KENNEDY. What is the situation when a truckdriver comes in from another local or comes into Philadelphia from outside of Philadelphia? Does he have to check with local 107?

Mr. COHEN. No, I wouldn't say so.

Mr. KENNEDY. He does not have to?

Mr. COHEN. If he is under contract—if the company whose truck or equipment he is driving, if he is under contract in whatever city he may come from, and they have a terminal in Philadelphia, that driver comes to the Philadelphia terminal, and we assume he goes to bed. He has to be off a certain amount of hours. The job is then taken over by the Philadelphia 107 men employed in that garage as city men.

Mr. KENNEDY. So he brings his trailer in and leaves it at the terminal and then it is unloaded by local 107? Is that what happens?

Mr. COHEN. That is correct.

Mr. KENNEDY. Is that always the situation that is followed?

Mr. COHEN. Ever since I took office in June 1954.

Mr. KENNEDY. What is the situation, then? Does the company which owns the store or the shop pay the local 107 men to come in and unload the truck?

(The witness conferred with his counsel.)

Mr. COHEN. I don't understand your question, Mr. Kennedy.

Mr. KENNEDY. For instance, a truck and a trailer is brought in from outside of Philadelphia. They bring it in and they bring it to a platform. Then they leave the trailer there and it is unloaded; is that right?

Mr. COHEN. Well, they do, and they don't. I still—don't misunderstand me. Some bring their trailers in and the drivers get out and go to bed, due to the fact they have been driving 10, 12, or 14 hours, and others could go, according to the driving time that they just got finished doing, could go direct to a warehouse, and—first of all, I was a little ahead of my story.

When he gets to the city line, Philadelphia, depending upon where he is coming from, he contacts the terminal manager. The terminal manager could dispatch him to some warehouse, telling him that "We will send a city driver down in an automobile to turn the automobile over to you so you could come back to the terminal and go to bed and the city man will take over."

Mr. KENNEDY. What if he would just as soon not do that? Could it be arranged so that he could bring his truck in right to the terminal place?

Mr. COHEN. Do you mean the terminal of the trucking concern?

Mr. KENNEDY. Yes.

Mr. COHEN. Or the warehouse?

Mr. KENNEDY. Either one. Is there a different rule for each one?

Mr. COHEN. No; we have no different rules.

Mr. KENNEDY. Could he bring it in, then, right to the warehouse or the terminal?

Mr. COHEN. You are still talking about a driver who is not a member of 107, who is coming from some other city?

Mr. KENNEDY. Right.

Mr. COHEN. Yes; he could.

Mr. KENNEDY. Once he gets to the terminal or the warehouse, what does he do then?

Does he leave the trailer there, or does he wait until the trailer is unloaded, or what?

Mr. COHEN. In some cases, where that driver working for a company under contract with 107, and under contract with another Teamster local somewhere else in the country, in some cases that automobile would be dispatched to that platform with a city driver, and the car would be turned over to the over-the-road driver, and he would proceed back to the terminal.

The city driver would take over the loading and unloading of the truck, if that had to be done.

Mr. KENNEDY. So it would depend on the particular contract, the particular arrangement with that shop?



Mr. COHEN. No; I didn't say that. There isn't any particular arrangement.

Mr. KENNEDY. What is the situation as far as Food Fair is concerned?

Mr. COHEN. There is a contract with the food companies which is a little different than the over-the-road freight companies who have been operating under a master contract as far back as 1937.

Mr. KENNEDY. What is the contract—

Mr. COHEN. There is no classification in the food companies as we have in the freight companies as far as road drivers and city drivers. They are all paid the same amount of money. In the freight, our city drivers receive \$2.35 an hour on a guaranteed 8-hour workday and time and a half after 8 hours. Our over-the-road drivers in the freight companies, our minimum is \$2.45 an hour and our maximum is \$2.66. In the food companies they receive, all of the drivers, \$2.47 an hour, and time and a half after 8 hours. They deliver their loads direct to the chainstores where they are employed, always did.

Mr. KENNEDY. Has the arrangement between local 107 and the chainstores for the unloading of trailers always been the same since you have been secretary-treasurer?

Mr. COHEN. The conditions now, which we can very easily show, are, according to the membership working for the food companies, 100 percent better than they were.

Mr. KENNEDY. Are they all the same? Is it the same for every company in Philadelphia?

Mr. COHEN. Do you mean all of the food companies?

Mr. KENNEDY. Yes.

Mr. COHEN. As far as wages, hours, and working conditions?

Mr. KENNEDY. As far as the unloading and dropping of the trailers is concerned, is that the same for all the chainstores in Philadelphia?

(The witness conferred with his counsel.)

Mr. COHEN. Excuse me.

Mr. KENNEDY. I would think you would know the answer to that better than your attorneys.

(The witness conferred with his counsel.)

Mr. COHEN. Well, I could answer that by saying that the conditions as far as the trailer situation is concerned are the same as they have been since 1937, other than we have improved most of the conditions.

Mr. KENNEDY. But that doesn't answer the question. Since you have been secretary-treasurer, has it been the same, as far as the trailer drops are concerned for all of the food chainstores in Philadelphia?

(The witness conferred with his counsel.)

The CHAIRMAN. The Chair is not going to tolerate this continuing to coach the witness. If you want to give him legal advice, you can do so. But this whispering into his ear every time he is asked a question to tell him how to answer it is not going to be tolerated.

Mr. CARROLL. We are not coaching the witness, Mr. Chairman.

The CHAIRMAN. I have made my statement. Do you want to stay here and get along or not?

Mr. CARROLL. I want to get along with you, Mr. Chairman, as I have, but I do not want to be accused of coaching a witness.

The CHAIRMAN. It is obvious. Proceed.

Mr. KENNEDY. Would you read the question, please?

Mr. COHEN. Mr. Chairman, if I may, I don't need any coaching from any attorneys as far as the working conditions are concerned.

The CHAIRMAN. That is what he Chair is saying.

Mr. COHEN. But where it will lead me into a legal question, I want to talk to our attorneys.

The CHAIRMAN. When you want to ask your attorneys a question, that is perfectly all right. But every time a question is asked, for them to lean over and whisper into your ear, I am not going to tolerate; proceed.

Mr. KENNEDY. Would you read the question, please?

(The pending question was read by the reporter, as requested.)

Mr. KENNEDY. Would you answer that?

Mr. COHEN. I will try. Prior to June 1954, the chainstores were permitted to drop their bodies as they saw fit, and to have them unloaded by the Retail Clerks Union working in the stores, not only in the city of Philadelphia, but in every city where the chainstores operate.

Mr. KENNEDY. So that we can understand it, that means when a truckdriver would bring in his truck and trailer, he would deposit the trailer there, the body, and then the clerks would come along and unload it, is that correct?

Mr. COHEN. In most instances; yes.

Mr. KENNEDY. That would be in the chainstores?

Mr. COHEN. That is correct. Agreed to under the master contract with the freight companies.

Mr. KENNEDY. Then the tractor and the driver would drive away?

Mr. COHEN. In some instances; yes. In other instances, the tractor would stay.

Mr. KENNEDY. We are talking about the period of time in 1954, is that right? Prior to 1954?

Mr. COHEN. I said prior to June 1954.

Mr. KENNEDY. Why would the truckdriver leave in some instances and stay in other instances?

(The witness conferred with his counsel.)

Mr. COHEN. Pardon me.

(The witness conferred with his counsel.)

Mr. COHEN. Mr. Counsel, are you still talking about prior to June 1954?

Mr. KENNEDY. Yes.

Mr. COHEN. Well, whatever arrangement was made at that time with my predecessor was very much disliked by all of the members of our local union employed at the food chainstores. We changed those arrangements.

Mr. KENNEDY. Then you tell me how you changed the arrangements, and we will go on.

Mr. COHEN. In our negotiations with the food chainstores, there was an agreement made that all trailers that were to be left at the stores in the future, under the new agreement, would be manned, loaded, and unloaded by local 107 men under the contract, within a radius of 30 miles.

Mr. KENNEDY. Outside a radius of 30 miles?

Mr. COHEN. Inside.

Mr. KENNEDY. Inside Philadelphia.

Senator CURTIS. Mr. Chairman, would the counsel yield at that point for something right on the point?

What would be the situation if the producer of some food commodity, say melons, for instance, the farm producer of those melons, sends his own truck into Philadelphia with a load of melons, and he has sold them to a Philadelphia store at a driver's price, and we will assume it is a store with whom you have your so-called master contract.

Would that producer who provides his own truck be permitted to make delivery and unload the melons?

(The witness conferred with his counsel.)

Mr. COHEN. If I understand you right, Mr. Senator, you are talking about a farmer who would bring a load of watermelons into the city of Philadelphia to be delivered to the A. & P.?

Senator CURTIS. A store with whom you have a contract; yes.

(At this point, Senator Kennedy entered the hearing room.)

Mr. COHEN. What would be the procedure?

Senator CURTIS. Yes.

Mr. COHEN. He would have all the right in the world to do it.

Senator CURTIS. He is not interfered with?

Mr. COHEN. Not by local 107, he is not.

Senator CURTIS. Would he be interfered with by anybody else?

Mr. COHEN. I couldn't answer for anybody else, Senator. It is being done every day, as far as no interference from local 107.

Senator CURTIS. Now suppose that a shipper outside the Philadelphia area has sold his merchandise—maybe it is furniture—to a Philadelphia store. The shipper must deliver his expense, including the unloading. He sends his truck. It is manned by drivers who are not members of local 107, they are not members of any union. What is the procedure there? Can they unload?

Mr. COHEN. As far as local 107 is concerned?

(At this point, the following members were present: Senators McClellan, Kennedy, and Curtis.)

Senator CURTIS. Yes; either that or as far as the store is concerned.

Mr. COHEN. I could not speak for the store. As far as our local union is concerned, we would not interfere with it.

Senator CURTIS. Do you have anything in your contract that prevents the store from permitting them to unload?

Mr. COHEN. I don't know if the store that you are talking about would be under contract with our local union.

Senator CURTIS. Yes. I am talking about a store that is under contract with your local union.

Mr. COHEN. Our local union would not interfere with that equipment.

Senator CURTIS. Is there anything in the contract that causes the store to not carry out such an arrangement?

Mr. COHEN. I am just trying to think. We have a 57-page agreement and there are a lot of clauses and sections.

(Witness conferred with his counsel.)

Mr. COHEN. Mr. Senator, would this be a store in the city of Philadelphia who might have a store in the city of Pittsburgh, and their truck would be coming from Pittsburgh to the Philadelphia store?

Senator CURTIS. I was not so confining it; no.

What I want to know is can shippers outside of Philadelphia send their own trucks in, and we will assume that they are nonunion, and

unload their own merchandise at Philadelphia stores with whom you have a contract?

(At this point, Senator Goldwater entered the hearing room.)

Mr. COHEN. Well, if they are under contract with local 107 and maintain terminals in the city of Philadelphia under our contract, they would have to take the overroad driver off and let the city driver or helper perform the work.

Senator CURTIS. That answers my question. I think it is wrong.

Mr. KENNEDY. Mr. Cohen, since 1954, when you became secretary-treasurer, is the system the same, as far as body drops are concerned, with these chainstores with whom you have contracts?

Mr. COHEN. I tried to answer, I think, the same question before, that we changed most of the conditions for the betterment of the members.

Mr. KENNEDY. I understand that.

Mr. COHEN. By stopping the companies, according to the contract, from leaving their bodies within a radius of 30 miles which used to be or formerly were unloaded by the retail clerks union, which are now being unloaded by local 107.

Mr. KENNEDY. I see. What you did was to prevent the leaving of the trailer at the various terminals; is that right?

Mr. COHEN. No, sir. We didn't stop. Well, they wouldn't be terminals, Mr. Counsel.

Mr. KENNEDY. What would they be called?

Mr. COHEN. They are chainstores.

Mr. KENNEDY. All right, chainstores.

Mr. COHEN. You are now speaking about the American stores, I assume, Atlantic & Pacific, the A. & P.

They are still permitted under the contract to leave that body at that store with 107 members to load or unload.

Mr. KENNEDY. Does the driver have to stay with that? Does he stay while it is being loaded or unloaded?

Mr. COHEN. If the company instructs him to leave the body there with the helper and go take his tractor and pick up a body somewhere else, he has a perfect right to do it, and they do it every day.

Mr. KENNEDY. What if he doesn't have another tractor that needs to be picked up? Can they then send him away?

Say, for instance, he is finished with them. He comes in there, brings his trailer or body and leaves it, and the company has no more work for him to do. Does he stay with the body or does he go away?

(At this point Senator Goldwater left the hearing room.)

Mr. COHEN. They can leave him stay or they can bring him back to the warehouse. That is the best way I can answer that for you.

Mr. KENNEDY. Let me ask you this: Do they have to pay him during the period of time that the trailer is being unloaded?

Mr. COHEN. While he is told to stay there?

Mr. KENNEDY. Yes.

Mr. COHEN. Yes, sir.

Mr. KENNEDY. What if he is not told to stay there, he is told he can leave and come back and pick it up in 4 or 6 hours?

Mr. COHEN. Then they would dispatch him to some other chainstore with some other bodies that were already empty for him to pick up and bring back to the warehouse.

Mr. KENNEDY. What is they don't have any other work for him to do, then what do they do? Do they have to pay him for that period of time?

Mr. COHEN. They have to pay him once he starts working in any 1 day a guaranteed 8-hour day under the contract.

Also, I would like to say, Mr. Counsel, that our drivers in the chainstores, there is always plenty of work for them and they work as high as 12, 14, 15 hours a day.

Mr. KENNEDY. Has the arrangement on these body drops always been the same for all the chainstores in Philadelphia as far as local 107 is concerned?

Mr. COHEN. Since June?

Mr. KENNEDY. Yes.

Mr. COHEN. Or prior to June?

Mr. KENNEDY. Since you have been secretary-treasurer, June.

Mr. COHEN. It makes no difference to 107.

Mr. KENNEDY. Just answer the question.

Mr. COHEN. How many bodies——

Mr. KENNEDY. Just answer the question.

Mr. COHEN. I am trying to. How many bodies are dropped——

Mr. KENNEDY. I understand that.

Mr. COHEN. One company could drop 50 bodies as long as they are manned by "107" members to load and unload them.

Another company in accordance to how big they are could drop 200 bodies, as long as they are manned by "107" men to load and unload.

Mr. KENNEDY. Do some of the chainstores get larger numbers of body drops than others?

Mr. COHEN. We haven't specified what amount of bodies they are permitted to drop.

Mr. KENNEDY. Did you, at all, since 1945, specify how many body drops are allowed?

Mr. COHEN. I have nothing to say as to how many bodies could be dropped prior to June 1954.

Mr. KENNEDY. Since June 1954, have you had anything to say as far as that was concerned? Since June 1954, have the numbers of body drops allowed to the various chainstores differed?

Mr. COHEN. Well, as I said before, they differ now according to the size of the stores or the size of the companies the same as they differed before other than we have under the agreement we reached——

Mr. KENNEDY. All right. Some companies——

Mr. COHEN. Are loading and unloading more bodies since 1954 than we ever did. In fact, it increased our membership in practically all of those companies.

Mr. KENNEDY. Are some chain food stores allowed more body drops than others in Philadelphia?

(At this point, Senator Curtis left the hearing room.)

Mr. KENNEDY. By your union?

Mr. COHEN. I thought I answered that, Mr. Counsel.

Mr. KENNEDY. No.

Mr. COHEN. Some companies could drop 100 bodies. I will answer that by saying it in my own way.

I don't know any other answer to it. Some companies could drop in the neighborhood of 100 bodies a day. Other companies could drop as high as 300 bodies a day.



Some companies could drop 20 bodies a day. But all of those bodies would be manned, as far as the loading and unloading is concerned, by local 107 men.

Mr. KENNEDY. Is it stipulated in the contract or in your agreement with these various chainstores how many of these free body drops that they will have?

(Witness conferred with his counsel.)

Mr. COHEN. I don't think there is any stipulation in the agreement as to how many bodies could be dropped by any specific company.

Mr. KENNEDY. Did you have any discussions with the people of Food Fair regarding how many body drops would be allowed?

Mr. COHEN. It could be possible during negotiations.

Mr. KENNEDY. Did you have some discussions with them about that?

Mr. COHEN. I discussed—I don't think I discussed during the negotiations with any individual company about body drops.

I think our discussions was with the association plus a committee of the different gentlemen from the different chainstores.

We have had lots of discussions as far as dropping of bodies. It was a very big item in our negotiations.

Mr. KENNEDY. It was a big item?

Mr. COHEN. Yes, sir.

Mr. KENNEDY. Do you know how many of these drops were allowed to Food Fair after 1954?

Mr. COHEN. The exact amount I could not tell you.

Mr. KENNEDY. Anywhere from 250 to 287 a day?

Mr. COHEN. I could not tell you the exact amount.

Mr. KENNEDY. A. & P. had about 50 a day?

Mr. COHEN. I could not tell you the exact amount. As I said before, some had 50, according to their size, some had 200, some had 300, and some had 150.

Mr. KENNEDY. Why was Food Fair allowed some 280 and A. & P. only 50, and some of these other stores only 50?

Mr. COHEN. I think the only gentleman who could answer that, Mr. Counsel, would be my predecessor who was the former secretary-treasurer of 107.

Mr. KENNEDY. Did Mr. Ben Lapensohn discuss with Food Fair the number of trailer drops that would be allowed?

(Witness conferred with his counsel.)

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Were those discussions held in the office of Food Fair as to how many free trailer drops would be allowed?

Mr. COHEN. As far as I am concerned personally?

Mr. KENNEDY. Yes.

Mr. COHEN. I have never held any discussions in any of the Food Fair office buildings or stores.

Mr. KENNEDY. Could you tell us who negotiated the contracts and who was responsible for the discussions with Food Fair regarding the dropping of trailers?

Mr. COHEN. Thomas McBride, as the attorney for local 107 at the time. A couple of the other attorneys for local 107, plus the association

who represents the chain stores, plus a committee of some of the vice presidents of the chain stores and some of the executives of some of the smaller grocery companies in the city of Philadelphia.

Mr. KENNEDY. Who represented your local 107 in the negotiations with Food Fair?

Mr. COHEN. Myself, plus 1 or 2 other business agents.

Mr. KENNEDY. Who were the other people-

Mr. COHEN. At different times, if it was pertaining to a garage that one pair of agents were in charge of, we would bring that pair of agents in. If it was pertaining to another garage—we have used practically all business agents at various times during negotiations.

Mr. KENNEDY. Who was chiefly responsible, other than yourself, and who participated in negotiations—

Mr. CARROLL. Could we have a date on that, please?

Mr. KENNEDY. Let us start in 1955. Start when you became secretary-treasurer.

Mr. COHEN. Are you asking me, Mr. Counsel, when we started negotiations for a contract?

Mr. KENNEDY. When did you negotiate with Food Fair, in June of 1954?

Mr. COHEN. You keep saying Food Fair. I have never negotiated any individual contract for Food Fair.

Mr. KENNEDY. You have had discussions with them?

Mr. COHEN. In a group.

Mr. KENNEDY. Do you have contracts with any of the chain stores up there?

Mr. COHEN. We have agreements with all of them.

Mr. KENNEDY. Have you got any contracts with them?

Mr. COHEN. Yes; memorandum of agreements.

Mr. KENNEDY. You don't have any contracts? You just have memoranda?

Mr. COHEN. We have contracts.

Mr. KENNEDY. Are they contracts or agreements?

Mr. COHEN. Excuse me.

(Witness conferred with his counsel.)

Mr. COHEN. I don't know that there is any difference between an agreement or a contract.

Mr. KENNEDY. You called them agreements. That is what I am trying to find out, if there is any distinction between the two.

Is it a contract that you have with these various chain stores?

(Witness conferred with his counsel.)

Mr. COHEN. We consider it to be a contract.

(At this point, the following members were present: Senators McClellan and Kennedy.)

Mr. KENNEDY. When did you start negotiating the contract after you became secretary-treasurer?

Mr. COHEN. With the chain stores or with the freight companies?

Mr. KENNEDY. Let's start with Food Fair.

Mr. COHEN. I negotiated with two associations.

Mr. KENNEDY. With Food Fair, specifically.

Mr. COHEN. I didn't negotiate any contract with Food Fair.

Mr. KENNEDY. You didn't have any discussions of a contract with Food Fair, specifically?

Mr. COHEN. While they were in the group of the chain stores, with their associations.

Mr. KENNEDY. You might have had them with the association. Did you have any discussions with Food Fair, specifically, after you became secretary-treasurer?

Mr. COHEN. I could have, during the negotiations which went into all hours of the night, I could have at different times, maybe, stepped out of the big conference room to discuss with American stores some of their problems, or Food Fair, or the A. & P.

I just don't recall.

Mr. KENNEDY. You must have had some discussions with Food Fair specifically on the number of trailer drops that were going to be allowed.

(The witness conferred with his counsel.)

Mr. COHEN. Are you talking now about 1954?

Mr. KENNEDY. Yes.

Mr. COHEN. In 1954, the food and chain stores all came under one association, MTLR. So we negotiated at that time with the officials and the top negotiators for MTLR pertaining to the entire agreement.

Mr. KENNEDY. Mr. Cohen, just answer the question as to whether you had any discussions, negotiations, with anyone from Food Fair specifically regarding the trailer drops.

Mr. COHEN. Mr. Counsel, I said that during negotiations, which were for a certain period, it could have been for months, at different times I discussed problems with American Stores, Food Fair and A. & P. I admit that I did discuss with them at various times.

Mr. KENNEDY. I want to talk specifically about Food Fair. Who represented local 107 in those negotiations with the high officials of Food Fair?

Mr. COHEN. During the negotiations?

Mr. KENNEDY. Yes.

Mr. COHEN. As far as the union is concerned?

Mr. KENNEDY. That is correct.

Mr. COHEN. Myself, for one. Ed Walker, for two; the business agents, who are in charge of Food Fair, Al Berman and Ed Battisfore.

Mr. KENNEDY. Is that all?

Mr. COHEN. You said for Food Fair, didn't you?

Mr. KENNEDY. Yes; in the negotiations for Food Fair.

Mr. COHEN. I wouldn't use any other business agent who would be in charge of any other food and chain store if there was a discussion pertaining to Food Fair.

Mr. KENNEDY. Was there any other individual present representing the union during these negotiations?

(The witness conferred with his counsel.)

Mr. KENNEDY. I would think that the witness would know the answer to that, Mr. Chairman.

Mr. COHEN. While I was in negotiations, if I understand you correctly, with the MTLR in 1954, in negotiations.

Mr. KENNEDY. Was there anybody else present?

Mr. COHEN. There could have been some of the other officials, or business agents, in charge of those different companies.

Mr. KENNEDY. Mr. Cohen, I am talking about any of the higher officials of local 107, representing local 107 in the negotiations.

(The witness conferred with his counsel.)

Mr. COHEN. Well, it was all general negotiations in 1954.

Mr. KENNEDY. I am talking about the trailer drops.

(The witness conferred with his counsel.)

Mr. COHEN. Mr. Counsel, I can, if my memory serves me right, I can name every official and every business agent who participated in the negotiations with MTLR during the period of 1954 at various times while we were negotiating.

Mr. KENNEDY. Mr. Cohen, why don't you answer the question? I am not talking about MTLR. I am talking about Food Fair.

Mr. COHEN. You are not talking about the right negotiations, or maybe I am a little mixed up, Mr. Kennedy.

Mr. KENNEDY. I am talking about the negotiations with Food Fair regarding the trailer drops. I want to know who represented local 107 in those negotiations.

Mr. COHEN. In 1954?

Mr. KENNEDY. Well, 1954 and subsequently.

Mr. COHEN. There wasn't any negotiation with Food Fair in 1954. They were part of a master contract and their officials of their association were the top negotiators.

Mr. KENNEDY. Who had the discussions with Food Fair, the fact that you would allow them to have 287 free trailer drops a day?

Mr. COHEN. Pardon me.

(The witness conferred with his counsel.)

Mr. COHEN. In 1954, when we were negotiating a master contract, and I was only very new as far as the head of the union, we negotiated an agreement for an increase in wages—

Mr. KENNEDY. I don't want to hear all that. I just want to hear the people that conducted the negotiations. It is very clear that you don't want to say the man's name. Wasn't it Mr. Benjamin Lapensohn?

(The witness conferred with his counsel.)

The CHAIRMAN. You can answer that. That is a direct question.

(The witness conferred with his counsel.)

The CHAIRMAN. The party has been identified. Did he help conduct these negotiations? That is the question.

(The witness conferred with his counsel.)

Mr. COHEN. I decline to answer the question on the ground I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Just a moment. The Chair again is going to rule that in view of your having answered as to some of them present, and discussed the negotiations under oath as to who was present and how you negotiated them, I do not think the privilege holds. I think by your testimony you have waived it. Therefore, with the permission of the committee, the Chair orders and directs you to answer the question of whether Mr. Ben Lapensohn was participating in those negotiations.

Mr. COHEN. Could I have a couple of seconds to talk to the attorneys?

The CHAIRMAN. You may have a conference with your attorneys regarding that. There is a legal question involved here.

(At this point, Senator Goldwater entered the hearing room.)

(The witness conferred with his counsel.)

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. The Chair states that it is important to this committee and to Congress to get information with respect to negotiations of contracts, how they are conducted, and whether there are discriminations that are practiced after contracts are made, where they are made with an association, and where later some members of that association are granted special privileges, and to ascertain whether there is fraud in the making of such contracts with respect to whether there are said agreements and promises made, where some are induced to participate in the contract or become one of the contracting parties on the basis of special favors that will be extended later, and preferences are granted that amount to a discrimination as against the others.

In the testimony the witness has already given with respect to the way these contracts are negotiated and who was representing the union, he has given the names of some, including himself and some 3 or 4 others as representatives of the union in the course of these negotiations. Now he has been asked a specific question whether this party, Ben Lapensohn, participated in the negotiations on the part of the union.

Therefore, the committee and Congress are entitled to know, in order that it may weigh these circumstances and these incidents or facts as they may be developed by the committee with regard to legislation that may be needed to protect from discrimination or from any other improper practices.

The witness having answered as to himself and at least three others with respect to who conducted the negotiations on the part of local 107, he now is under duty, according to the Chair's view, to answer the question as to whether this other party, Ben Lapensohn, was present and participating in those negotiations on the part of the union.

Therefore, I think his privilege of immunity to self-incrimination has been waived, by giving the names of others and by discussing, as he has, so fully, the contract that was negotiated.

Therefore, the Chair rules, without objection on the part of other members of the committee, that this witness be required to answer the question as to whether Ben Lapensohn was present and participating in these negotiations.

The Chair so holds and so orders the witness to answer. The question will be directed to you again.

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. All right. We may proceed. The record has been made. The witness has been duly advised by his counsel of his legal rights. Proceed.

Mr. KENNEDY. Did Mr. Lapensohn negotiate and conduct discussions with Food Fair during 1954, 1955, and 1956, regarding the number of trailer drops that would be granted to Food Fair?

Mr. COHEN. I decline to answer on the ground that I am not required to give evidence against myself under the fifth amendment.



The CHAIRMAN. Will you answer this question: Did Mr. Lapensohn hold any position or any agency or representation authority from the union at the time of these negotiations?

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. With the permission of the committee, the Chair orders and directs you to answer the question.

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Does the witness understand that the question embraces the position, that is, whether he had any official position with the union at the time?

(The witness conferred with his counsel.)

Mr. COHEN. Mr. Chairman, did you ask me do I understand whether the question is whether he had any—the gentleman's name that you mentioned—had any official capacity with the union at the time?

The CHAIRMAN. Mr. Lapensohn.

Mr. COHEN. Yes, I understood the question.

The CHAIRMAN. You understood the question?

Mr. COHEN. Yes, sir.

The CHAIRMAN. And also, beyond that, it embraces whether he was specifically authorized or had any authority at these negotiations to represent the union as its agent or representative in any capacity with respect to the negotiations. Did you understand that?

Mr. COHEN. I understand the question, Mr. Chairman, and I have refused under my constitutional rights.

The CHAIRMAN. I wanted to be sure the witness understood so there would be no misunderstanding. All right. Thank you very much. Proceed.

(At this point, the following members of the committee were present: Senators McClellan, Kennedy, and Goldwater.)

Mr. KENNEDY. Do you know, Mr. Cohen, if during the period of time he was representing the union and was on the union payroll he was receiving any moneys from any employers?

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Did he pass any of that money on to you?

Mr. COHEN. I decline to answer the question for the same reason.

Mr. KENNEDY. How much money did he receive from the union during the period of time?

Mr. COHEN. I decline to answer the question for the same reason.

Mr. KENNEDY. Did he make some purchases for you?

Mr. COHEN. I decline to answer the question for the same reason.

Mr. KENNEDY. You better state the reason occasionally, if you want the record right. Otherwise, the Chair will have to order you to answer.

Mr. COHEN. All right, sir.

I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. What about the forgeries of these checks, can you explain those to us, Mr. Cohen?

(Witness conferred with his counsel.)

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. And the alterations in the names of those individuals who were supposed to have received some money?

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Do you know who was responsible for beating any of these individuals who were supporting Mr. Crumbock while he was running against you?

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Do you know who was responsible for the violence in connection with many of the strikes that were conducted by local 107 after you became secretary-treasurer?

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Will you tell us anything about where the money went, the \$250,000 in cash that came out of local 107?

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. That is all, Mr. Chairman.

Senator KENNEDY. I have just one question, Mr. Cohen. Last night you generously invited me to come to the meeting on Sunday.

Mr. COHEN. Yes, sir.

Senator KENNEDY. The problem is, of course, that under those conditions you will not be under oath.

It seems to me that rather than have a situation where it would be possible for you to make statement about all these matters which would not be under oath that it would be far wiser while we are both here, while you are under oath, it seems to me, that this is the proper place for you to answer these questions, and a discussion between us in some other area where you are not under oath would not seem to me to be very productive.

I want to put that in the record because I would hate to have you go to Philadelphia and state that you challenged a member of the committee to come up here.

Mr. COHEN. I am sorry, Senator. I didn't challenge you. I invited you.

Senator KENNEDY. I just want to have it on the record, when you make that statement—and many people might—that you invited a member of the committee to come up here and repeat these charges about you or repeat these questions about you, that no member of the committee accepted that invitation.

If and when you make that statement, I want it to be clearly understood by the members there that you were asked all these questions

under oath and that you declined to answer those questions because an honest answer or a responsive answer might tend to incriminate you, and that the reason why I would not accept your invitation is because any discussion in any other area would not have you under oath.

I just want to make that clear in case the matter comes up on Sunday.

Mr. COHEN. Mr. Senator, you would not be under oath if you came to our membership meeting and I think it would do you good.

Senator KENNEDY. I would be very glad, Mr. Cohen, to take an oath now and ask some of these questions, if you will agree to answer them; would you?

Mr. COHEN. You would be very glad to take an oath?

Senator KENNEDY. That is right.

Mr. COHEN. As to what?

Senator KENNEDY. In asking you these questions about what you did with the funds, if that would put us on a more even basis.

Mr. COHEN. In the presence of our membership, are you speaking?

Senator KENNEDY. Right here.

Mr. COHEN. I misunderstood you. I thought you said that you would be willing to take an oath and then ask me some of these questions in front of our membership.

Senator KENNEDY. Right here, Mr. Cohen, where it is possible for for both of us to be here.

The point I am trying to make is, if this will make you any happier, I would be glad to take an oath now and have you answer these questions. They are very simple questions.

(Witness conferred with his counsel.)

Senator KENNEDY. Are you prepared to answer any of these questions regarding the use of these funds under oath before this committee?

Mr. COHEN. I understand your question.

Senator KENNEDY. Would you answer it.

(Witness conferred with his counsel.)

Mr. COHEN. Well, I am under oath, and I am trying to answer the questions to the best of my ability.

Senator KENNEDY. Will you answer the question in regard to the previous question of the counsel in regard to the \$250,000?

(Witness conferred with his counsel.)

Senator KENNEDY. How it was spent and for what purposes the cash was used.

Mr. COHEN. Did you ask me whether I would answer, Mr. Senator?

Senator KENNEDY. Will you answer? Will you explain it?

(Witness conferred with his counsel.)

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Senator KENNEDY. Would you answer the question about the \$2,-717.14 for payment for Mr. Cohen's personal clothing, gifts, et cetera? Would you answer that question?

Mr. COHEN. I decline to answer the question for the same reason.

Senator KENNEDY. Would you answer the question as to how the \$31,000 that 16 of you spent at the Miami convention over a 1-week trip, how that was spent?

(Witness conferred with his counsel.)

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Senator KENNEDY. For 1-week trip, \$31,000, and \$3,000 for yourself, for your expenses for that week.

(Witness conferred with his counsel.)

Mr. COHEN. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Senator KENNEDY. I am asking you these questions. I know you have taken the fifth amendment, just so we have the record straight at the meeting on Sunday that you were asked these questions by the committee and you were given an opportunity to explain and you refused to answer because an honest answer under oath might tend to incriminate you.

Mr. CARROLL. I think you have made your point.

Senator KENNEDY. I want to be sure because we would not want to have any misunderstanding between us.

Before I desist, I missed the counsel's statement this morning with regard to his position. I wonder if briefly he could repeat it.

Mr. CARROLL. Yes, sir.

The CHAIRMAN. Before you go into that, may I ask the witness some questions.

I understand you invited not only Senator Kennedy but any member of the committee to come to your meeting.

Mr. COHEN. That is right.

The CHAIRMAN. I think some of us will agree to come if you will answer these questions under oath.

If you want us there, just answer these questions.

Mr. COHEN. I would like very much to have you there.

The CHAIRMAN. We would like very much to have the answers. I will make a bargain with you.

(Witness conferred with his counsel.)

The CHAIRMAN. If he will answer these questions under oath, I think I can accept your invitation.

Mr. COHEN. I don't mean any sarcasm, but I am not negotiating any contract now.

The CHAIRMAN. I notice you are not. You want to get your point across that you invited them and go back and brag about it. You didn't make it.

Proceed.

Mr. CARROLL. You wanted to hear my statement?

Senator KENNEDY. I think the chairman's statement is a good one.

The point is that if he would answer these questions under oath now, the committee will go up to the meeting.

The CHAIRMAN. If he will answer them here now, I will accept his invitation.

Mr. CARROLL. I think he stated his position. Your's is equally clear.

The CHAIRMAN. I believe he said he didn't want to make any bargains today.

Mr. COHEN. No, sir. I said I didn't think I was negotiating a contract.

The CHAIRMAN. You don't want to enter negotiations with this committee?

Mr. COHEN. I think I answered it.

The CHAIRMAN. I believed you did.

Proceed.

Senator KENNEDY. Can we get counsel's statement?

Mr. CARROLL. My statement was simply this: In accordance with my promise of yesterday afternoon, I discussed this problem with Mr. Cohen and Markowitz, as well as with our senior partners, Mr. von Moschzisker and Mr. Bradley, who came to Washington for that purpose.

We were up past quarter after four in the morning discussing it. As a result of our discussion, and incidentally another preliminary that we started on the assumption that we do intend still to abide by the opinion of the Philadelphia Bar Association, as I have previously stated.

As a result of our discussion we are unanimously of the opinion that I can with propriety continue to represent these witnesses whom I have engaged to represent as well as the union at the present time.

In addition to that, I previously said, and I say again, that Mr. Moschzisker and Mr. Bradley are in the hearing room now and they would like to be heard on this precise question also, if this committee does get a chance sometime today to hear them. They would be most grateful.

In addition to that, I told the committee that we have been advised that the Philadelphia Bar Association's committee on professional guidance is meeting again next Tuesday afternoon to reconsider the question in the light of the evidence which has been developed here.

We have agreed to provide them with the complete transcripts of what has thus far transpired so that they will have all the evidence that is before you on which to base their judgment.

Should they change either their original opinion or should they change its application in view of the new evidence which has been discovered, we will still abide there.

Senator KENNEDY. I want to make it perfectly clear that I have no objection in any way, nor possibly could I have to any attorney representing any client, no matter what my opinion or anyone else's opinion may be of the client.

The client has every right to legal protection and there is no discredit that falls on the attorney who represents such a client merely because the client may have been guilty of some acts. That does not affect the attorney.

It is a matter of his own judgment whether he is going to make a carrier of that.

Nevertheless, it does not fall on him. The point I am making is the question of where your bill should go. Should you be paid by the union with the obligation that you have to the union members, paid out of union dues, as the legal representative of the officers of the union who refuse to answer questions as to the disposition of union funds?

It seems to me that the obligation would be on you very clearly to represent the officers of the union, if they were involved in an unfair-labor practice or if they were involved in some other action



under which they were under some scrutiny because of their action as officers of a union and as leaders of a union.

(At this point, Senator McClellan left the hearing room.)

Senator KENNEDY. It seems to me the situation in this case is quite different. They are under scrutiny not because of their actions as officers of the union and meeting their obligation as union leaders, but they are under scrutiny because of the mishandling and misappropriation, and outright larceny of union funds.

In those cases it seems to me two things should be cleared up. First, I would like to have the bar group examine as to whether they should not secure another attorney, an attorney who is not being compensated by the union to protect the union members, and second, if they decide it is perfectly proper for the union's attorney to come into the case at this point, then the question is whether the members of the union, who are under scrutiny by this committee in this case, whether they should not pay the bill rather than the union members at large.

It seems to me that is the question.

This question not only pertains to you, but to a number of other attorneys who have been involved in these cases.

I think it is a basic one, and I think that the bar associations of the various States have not made a clear determination of it and I am hopeful that the Philadelphia group, after examining this, will give some guidance to attorneys and to others as to the obligation, legal and ethical obligation of attorneys in these kinds of cases.

Mr. CARROLL. I understand you. There is one thing I might add to this which did not come up in our discussion the day before yesterday.

As you know, canon 6, by which we are governed—the canons of professional ethics of the American Bar Association which are incorporated into the charter of the Philadelphia Bar Association—provides a rule on conflict of interests which is not an absolute bar even assuming, to simplify your hypothesis that we are asked to represent both the thief and the victim, the canon says that a lawyer may do so with propriety if he does so after full disclosure of his dual representation to both parties and with their consent.

(At this point, Senator McClellan entered the hearing room.)

Mr. CARROLL. That has not arisen. The bar association committee has decided that there does not exist a conflict in this contention, and therefore we have not had to get to the problem of disclosure and consent.

(At this point, the following members were present: Senators McClellan, Kennedy, and Goldwater.)

Senator KENNEDY. In this case, of course, what we are talking about is your being compensated by the union membership, your salary and bill being paid by union dues, at a time when a Senate committee is investigating the misappropriation of those union dues, and your representing the officers of the union who are so involved.

That seems to me to be the question. I am not an attorney but I looked into this question, and I have had an interest in this question for some time. To the best of my knowledge, in no bar association in any State, nor in the American Bar Association, in spite of the fact that some lawyers have been even more intimately involved in

these procedures than you evidently have, has there been affirmative action taken. I am hopeful that the action of the bar in Philadelphia will give some stimulus to other State bars to define the obligations of the attorneys more closely in this particular field.

Mr. CARROLL. Those facts as to payment were considered both in our discussions last evening and by the bar association committee.

Mr. KENNEDY. Mr. Chairman, there are at least 10 broad categories of questions that Mr. Cohen has refused to answer. I would like to enumerate those for the committee.

On the \$46,000 increase in net worth, he refused to answer any questions about that, during the period of time he was secretary-treasurer. No. 2, that he spent \$4,000 during that period of time that he was secretary-treasurer more than he had from any legitimate source of income; No. 3, that he had available in cash during the period of time he was secretary-treasurer some \$50,000, and that many of the items that he purchased, such as his boats and his house and other matters, were purchased with cash, and that there is \$57,000 that we cannot trace; that \$190,162 of union funds—this is No. 4—\$190,162 out of union funds were used to pay some of Mr. Cohen's personal bills, to buy his personal clothing, and to take his wife on trips to Florida; No. 5, that there was \$250,000 cash that came out of the union while he was secretary-treasurer, for which he would give no explanation.

Mr. CARROLL. What was the amount again?

Mr. KENNEDY. \$250,000.

No. 6, there was \$31,000 used for the delegates at the recent Miami convention, for which Mr. Cohen refuses to give any explanation; No. 7, we have had the testimony on the forgeries that took place in connection with the checks of the union, for which he gives no explanation; No. 8, the alterations that took place in some of the union's documents, for which he gives no explanation; No. 9, the beatings that took place against those who opposed Mr. Cohen, for which he would give no explanation, the physical beatings; and, No. 10, his relationship with Mr. Benjamin Lapensohn and in the contract negotiations with Food Fair.

The CHAIRMAN. Are there any other questions of this witness?

If not, the committee will stand in recess until 2 o'clock.

(Whereupon, at 12:07, a recess was taken until 2 p. m. of the same day with the following members present: Senators McClellan, Kennedy, and Goldwater.)

#### AFTERNOON SESSION

(At the reconvening of the session, the following members were present: Senators McClellan and Goldwater.)

The CHAIRMAN. The committee will come to order.

Mr. Tom McBride, come forward, please.

Be sworn, please. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. McBRIDE. I do.

## TESTIMONY OF HON. THOMAS D. McBRIDE

The CHAIRMAN. Senator Clark, we are very happy to recognize you. I see you have accompanied the witness. I am very glad to recognize you.

Senator CLARK. Mr. Chairman and members of the committee, I very much appreciate this opportunity to present to you the attorney general of the Commonwealth of Pennsylvania, the Honorable Thomas D. McBride.

Mr. McBride and I have been friends and colleagues at the bar for something over 30 years. During that time I had controversies with him and have fought on his side in many a battle. I know nothing whatever about the merits of this particular case or of his connection with it.

But I did want my colleagues in the Senate on the committee to know Mr. McBride is a man of unimpeachable integrity, a leader of the Philadelphia and Pennsylvania bars, a friend whose judgment I treasure and whose friendship and affection I am proud to have. I am confident that every word that he says to this committee will be the truth, the whole truth, and nothing but the truth, as he has just sworn.

The CHAIRMAN. Thank you very much, Senator.

Rule 12 of the committee states—

Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comments made by a committee member or counsel, tends to defame him or otherwise adversely affect his reputation may (a) request to appear personally before the committee to testify in his own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of regarding himself.

Such request and such statement shall be submitted to the committee for its consideration and action.

May I address the members of the committee present? The Chair has been requested by Mr. McBride to appear and testify in accordance with rule 12, which I have just read.

I do not recall that the committee has ever refused to permit anyone who has made a request under this rule to appear, and unless there is objection, the Chair will now rule, Mr. McBride, that you are entitled to make your statement.

Mr. McBride, we will be glad to hear you. If there is no objection, you may proceed.

Mr. McBRIDE. First of all, Mr. Chairman, may I publicly express my gratitude to Senator Clark for his completely unsolicited appearance here to introduce me to this committee.

Secondly, I want to thank the committee sincerely for the opportunity to appear before it at the earliest possible moment available, to answer testimony which connected me with conduct which, as it stood in the record, may affect my reputation.

I have no prepared statement. I should like very much to cover what the issues were as I understand them, to submit myself completely to questioning without the slightest possible reservation, and to tell the truth as I know it to be.

The issue that arose yesterday concerning me is, as I understand it, that I had represented Mr. Raymond Cohen in a private capacity, and that I had been paid out of union funds for such representation.

(At this point, Senator Curtis entered the hearing room.)

Mr. McBRIDE. That is unequivocally untrue. The facts are as follows: On November 15, 1953, at the regular annual meeting of the Teamsters Union, Local 107, with which I had no connection whatever, Raymond Cohen was nominated as secretary-treasurer of that local. No other name was put in nomination. According to the constitution of the international, under such circumstances there was no need of a further postponement of 1 month, as is the case with contested elections, and he was declared elected; the president was declared elected; and the other officers were declared elected.

The president was and is a man named Joseph E. Grace. He had been president, I think, for 20 years. Although Mr. Cohen had been a business agent, he had not been an officer.

Approximately 3 days after November 15, 1953, that is, on or about November 18, 1953, the president, Mr. Grace, and Mr. Cohen visited me in my office, and asked me if I would accept a yearly retainer to represent local 107. Previous counsel who had represented local 107 were thought by them to be in favor of Mr. Crumbock, who had been secretary-treasurer, but had not had his name put in nomination on November 15.

Mr. Gray, it appeared, had been paid on or about November 1 for the month of November. They asked me if I would, thereafter, represent the local union. I told them that I would. I started to represent the local union after November 18, 1953, and consulted with them during the day, on many occasions, and sometimes at night. It was almost a full month thereafter that the international president David Beck, threw the local union into a trusteeship. The picture was that Grace was the unchallenged president of the local. Cohen, until the trusteeship, was the unchallenged, or at least unremoved, duly elected secretary-treasurer of this local.

Both of them together having asked me to represent them, to represent the local, I agreed to do so.

(At this point, Senator Mundt entered the hearing room.)

Mr. McBRIDE. I continued to represent the local, and then on, I think, December 17, 1953, Mr. Beck put the local into trusteeship, and a trustee named Thomas E. Flynn took over the bank account and affairs of the union.

I had not, up until that time, presented any bill, had not asked to be paid, and I knew that there were challenges as to the propriety of the election of November 15th. I advised the local union that in my opinion the action of President Beck was unjustified, and that it should be contested; that he had acted without warrant, and that under the constitution the election was proper.

I commenced a proceeding in the Court of Common Pleas, No. 2, of Philadelphia County.

The CHAIRMAN. May I interrupt just for clarification?

Mr. McBRIDE. Yes, sir. I appreciate the interruption, Mr. Chairman.

The CHAIRMAN. You say you instituted a proceeding. Was that in the name of the union or in the name of individuals?

Mr. McBRIDE. In the name of the union, and I, as its counsel. It is the only paper I have before me. I will read the exact caption of the case.

The CHAIRMAN. That is all right.



Mr. McBRIDE. It is in the name of the union, and I acted as attorney for the union. The defendants were Thomas E. Flynn, the trustee; Dave Beck, the general president; Edward Crumbock, and certain individuals.

The CHAIRMAN. Who are the plaintiffs?

Mr. McBRIDE. The plaintiffs were Highway Truckdrivers and Helpers, Local 107, an unincorporated labor union, by its president, Joseph E. Grace, trustee ad litem, which is the way in which such suits are brought in Pennsylvania, to meet the rules.

The CHAIRMAN. I am not challenging it. I am trying to make the record clear.

Mr. McBRIDE. Yes, I understand that. Raymond Cohen and Edward Battisfore. They were the full plaintiffs. Then the defendants were as I stated. That complaint in equity sought to set aside, on behalf of the local union, the trusteeship which I, as well as the membership, was convinced had been improvidently imposed. We had various hearings and meetings. No one, not the trustee, not the international president, nobody challenged that I was not properly acting for the local union. Such a challenge has never been made, and everybody, the representatives of employers and everyone else, knew that I was acting as counsel for the local union. As the result of that suit, which alleged certain irregularities in the conduct of the previous administration and contended that at all times since November 15, 1953, both Joseph Grace and Raymond Cohen, and the other officers, had been duly elected, there were some conferences with Judge Edwin O. Lewis, of the Court of Common Pleas, No. 3. The trustee was represented by counsel. General counsel for the international president, Mr. Al Wohl, was present. I think he is now counsel for the American Federation of Labor.

As a result of those conferences, the situation was put up to me that, "Mr. McBride, if the local union takes the position that its officers were properly elected, why don't you agree upon a new election, with the court supervising the election, with conditions such that nobody can possibly complain that an unfair election had been had?"

I said: "If the court will supervise it, draw the rules and regulations, I will certainly agree that a new election take place."

There was a new election, as this committee probably knows, on or about May 15, 1954. At that election, the union membership again elected Mr. Cohen by about something like 9,000 votes against 1,000. But I point out that during all this time, Mr. Grace, who had retained me before even there had been any trusteeship to represent the local, was never challenged as the union's president.

So I continued to represent the interest of the union, sometimes in consultation with the trustee, sometimes in consultation with its officers. It is not correct to say that I represented Mr. Cohen personally in his attempt to win his election. Naturally enough, the union itself had an interest to see that any person chosen by it should be finally successful, but on Mr. Cohen's behalf, personally, I did nothing.

(At this point, the following members of the committee were present: Senators McClellan, Kennedy, Goldwater, Mundt, and Curtis.)

Mr. McBRIDE. I think I am safe in saying that I never represented Mr. Cohen in any personal transaction of any kind whatsoever under any circumstances in my life.



I was representing the local union. I was not paid and made no claim for payment. I never have in any other legal matter, and I would not be starting now.

After the reelection the trusteeship was lifted and the union was again possessed of its funds. I was asked to send a bill.

I sent a bill for \$7,500, calculated in the following fashion: My predecessor counsel had a yearly retainer of \$15,000 payable \$1,250 a month. Since he had been paid November 1 and even though I had been retained about November 18, I felt that during that overlapping period two lawyers should not be paid by the union.

Therefore, I dated my bill from December 1 to whatever it was; June 1. It was a 6-month period.

During all of that time I had represented the local union. I was not present at the membership meeting. I am informed that full disclosure of the matter was given to the membership meeting in open session and that my bill was approved.

I received a check for \$7,500, which recited on its face that it was for services to the union from December 1, 1953, I think, to June 1, 1954.

That bill was in every sense correct, and thereafter I continued to receive as long as I represented the union the \$1,250 monthly retainer fee until I went into public office.

Then I personally raised the question with the committee on professional guidance as to where I should continue to have any private clients.

The question had, I think, never arisen before in Pennsylvania. Some attorneys general had represented the private clients.

I thought it was a question that they ought to decide. When they decided that they thought it better that I should not, I withdrew from my old law firm, I withdrew from my clients.

I have taken no new clients since that ruling, and I have not had any responsibility for dealings directly or indirectly on behalf of the local union, or Mr. Cohen, or any other private litigant except one case which was in the process of trying and which I could not get out of and which had been finished.

I think that covers, as far as I can see, the essential elements that I thought necessary to explain to this committee in view of the statement that was made on the record.

I should be delighted, really delighted, to submit myself to the fullest and most exploring kind of questioning that you can give.

The CHAIRMAN. Thank you very much.

May I see the copy of the pleading you filed?

Mr. McBRIDE. Yes, sir.

(A document was handed to the chairman.)

The CHAIRMAN. Does any member of the committee wish to ask any questions at this point?

I may ask you this: I am not thoroughly familiar with pleadings in the State of Pennsylvania, of course. The reason I asked to see this document was to ascertain whether Mr. Cohen and Edward Battsfore appeared as plaintiffs.

According to this pleading the plaintiffs are highway truck drivers and helpers, local 107, an unincorporated labor union, by its president, Joseph E. Grace, trustee ad litem, Raymond Cohen, Edward Battsfore.

Is this pleading in the name of Raymond Cohen and Battisfore for a trustee ad litem?

Mr. McBRIDE. No, Mr. Chairman. It is a combination bill in equity in which the local union and particular persons, Cohen representing an interest as an elected officer and Battisfore representing an interest as a member of the union, were acting as plaintiffs against the trustee, the former secretary-treasurer, and other named individuals to get them all on the record.

The CHAIRMAN. I am not trying to be too technical. I may be in error. I am trying to ascertain whether this suit was brought from this pleading on behalf of the local union, 107, and on behalf of the two individuals, Raymond Cohen and Edward Battisfore?

Mr. McBRIDE. It was brought unquestionably, Senator, if you read the averments, that the complaint is made that President Beck had without warrant or power or jurisdiction imposed a trusteeship upon a local union.

That is the complaint that is made. The affidavits are taken on behalf of the local union representing the interests of the local union through its president, on behalf of Raymond Cohen because of his interest in the election, and Edward Battisfore then as a member of the union. So that all three interests would be represented as plaintiffs and all others would be lumped as defendants.

As you know, sometimes plaintiffs and defendants get scrambled up according as their interests may appear. But that is the proper way of doing it in the State of Pennsylvania.

The CHAIRMAN. You may proceed with questions for the moment while I check some matters in this document.

Mr. KENNEDY. Mr. Attorney General, I think the difficulty possibly arose with the testimony of Mr. Carroll on this matter.

Are you familiar with that?

Mr. McBRIDE. I am not familiar with it.

Mr. KENNEDY. He was being asked by Senator Curtis about who paid the lawyer's fees in a case in which a man, the supporter of Mr. Crumbock, was beaten, and a supporter of Mr. Cohen was alleged to have participated in the beating.

He asked them if the fee that was paid to the attorney came out of the union funds. Mr. Carroll said:

At that time the firm with which I was associated was representing Mr. Cohen, and that group that was backing Mr. Cohen asked us to represent Mr. Myhasuk.

I did appear with him before the magistrate at that time. Mr. Gray, who was counsel for local 107, represented Mr. Roberts. Our fee was not at that time being paid by the union.

In his explanation before the committee he indicated that your group—you and the attorneys were backing Mr. Cohen.

Mr. McBRIDE. Mr. Kennedy, I think the fundamental misconception was this: I had gotten into the case after the trustee had taken over and that I was representing 1 side of a 2-sided contest for power in a local labor union.

If that had been the case, I would not have accepted a fee from a local labor union. But when you recall the fact that I had gotten in and was actually counsel on a yearly retainer before the trustee was ever appointed and on behalf of the union had resisted such appointment, the situation is entirely different.

It so happens that I was on Mr. Cohen's side of the argument, but my legal position, I contend, would have been the same had I spent the 6 months' work, had the second election gone to Mr. Crumbock, I still would have been legally entitled to fees even from Mr. Crumbock.

Mr. KENNEDY. Most of the work that you were doing in this period of time was in connection with the election of Mr. Cohen?

Mr. McBRIDE. Actually it was not. Most of the work I was doing was in connection with this suit.

Mr. KENNEDY. That was in connection with Mr. Cohen's election, was it not?

Mr. McBRIDE. Yes, but it was a suit on behalf of the union. Don't you see that although it is true that a man who has run for election and won has a special interest in maintaining the union or any other group which has elected him has a special interest also in seeing that its will is carried out.

They voted for him. It is up to them to see that they get the services of the man they have elected.

Mr. KENNEDY. You were retained by Mr. Grace? Is that right?

Mr. McBRIDE. Mr. Grace and Mr. Cohen came to see me together.

Mr. KENNEDY. Mr. Cohen at that time held what position?

Mr. McBRIDE. He was the duly elected secretary-treasurer.

Mr. KENNEDY. But he was not the secretary-treasurer?

Mr. McBRIDE. Yes, he was.

Mr. KENNEDY. They came to you in November?

Mr. McBRIDE. November. Approximately November 18.

Mr. KENNEDY. According to the constitution of the international, even assuming that election was proper, the man who is elected, the term is effective, quoting page 72 of the constitution, effective as of the conclusion of the term of the previous incumbent, which in this case would be December 31.

Mr. McBRIDE. I agree with you. It was, that is correct.

Mr. KENNEDY. The individuals that retained you at that time had no right to retain you because even if you assume there was a proper election in November, Mr. Cohen did not take over until January 1, 1954; isn't that correct?

Mr. McBRIDE. No, it isn't correct. It is true that Mr. Cohen did not at that position have the right to retain me, but Mr. Grace did.

Mr. Grace had been president for 20 years. Even though he had been reelected on November 15, on November 18 he was president by virtue of his former election and became president again as of January 1.

So even though I agree with you on Mr. Cohen's lack of power, I cannot agree with you, and I think you will agree with me that the president, even though his new term had not yet commenced to run, was still lawfully entitled to operate on his old one.

(At this point, the following members were present: Senators McClellan, Kennedy, Goldwater, Curtis, and Mundt.)

Mr. KENNEDY. It is just a question of whether the president could come in and retain a counsel without the approval of the executive board or without the approval of the secretary-treasurer, in fact, the major power in a union of the Teamsters, whether he could come in and retain a counsel and pay him out of union funds, without anybody else's concurrence or approval. It just seems to me to be questionable.

Mr. McBRIDE. It doesn't seem to be questionable to me, because the president is the chief executive officer. In this local, the secretary-treasurer happens, by long standing, to be the more important of the two offices. But the president, under the constitution, still remains the chief executive officer and business is transacted with his authority. He presides at all meetings. In my opinion, due to the situation that came about when former counsel was no longer going to continue to represent the union, he had a perfect right to get a different lawyer.

But looking at this thing, you see, in hindsight, with this question having been raised, is far different than if any such punctilio had been raised at the time. It never entered my mind but that President Grace had a perfect right to retain me.

Mr. KENNEDY. What about the election itself, Mr. Attorney General? According to the testimony before our committee, and this was the basis of the international putting the local in trusteeship, the election was a complete fraud insofar as the nomination of Mr. Cohen occurred and Mr. Grace then banged the gavel to close the nominations and Mr. Crumbock or his followers never even had an opportunity to nominate him.

Mr. McBRIDE. Do I understand that you refer to the testimony of Mr. Raymond Kelly?

Mr. KENNEDY. Yes.

Mr. McBRIDE. Mr. Kennedy, Raymond Kelly was the recording secretary and kept the minutes of that election, and filed an official report saying everything was absolutely in order and done according to the constitution. Later difficulties came about then between him and Mr. Cohen, whereby Mr. Kelly ceased to be a member of the local union.

He sued the local union for his whole period of salary from the time of his election on November 15, 1953, and on into the future. He lost that suit. It was thrown out of court. But the significant thing is that Mr. Kelly, under oath before Judge Sloane in the court of common pleas, testified diametrically opposite to that which he testified to before this committee. The record is here in this room, as I understand, and can be produced, and a comparison of what he said before you and what he testified to before the court shows beyond a shadow of a doubt that he committed perjury somewhere.

Mr. KENNEDY. This, I would think, would be the primary point, that if there were 600 people or 700 people present in the room, Mr. Crumbock must have had at least 2 people that were in favor of him. When the election was ultimately held by secret ballot, he had 1,000 people. Still, Mr. Cohen beat him 9,000 to 1,000, but he still had 1,000 people in favor of him. Certainly two of those people must have been in the room and were intent on nominating Mr. Crumbock. Whether you believe Mr. Kelly's testimony or not, Mr. Crumbock never had the opportunity of even being nominated at this meeting.

I think this position is supported by the fact that the international then came in and put the local in trusteeship.

Mr. McBRIDE. Except that now you are saying that Mr. Beck was justified in putting this local into trusteeship, when we know that he has put other locals into trusteeship, unjustifiably.

Mr. KENNEDY. Absolutely.

Mr. McBRIDE. But let me say this to you: That was not his sole reason.



His sole reason was the question that had been raised, the fact that Cohen had presented charges against Crumbock, that Crumbock had presented charges against Cohen.

All those things put together were used or utilized, let me say, by Mr. Beck for the purpose of throwing this local into trusteeship.

Mr. KENNEDY. I would think that even dismissing the fact that the sides made charges against one another, the fact that the election was held in the manner in which it was held, where Mr. Crumbock's supporters never even had an opportunity to put his name in nomination, that in itself was sufficient to throw the election out. I would think that those who had firsthand information about the fact would have realized that this was contested election, and that until there was a proper election, as was held in April of 1954, Mr. Crumbock had to continue in his position as secretary-treasurer,

Mr. McBRIDE. Mr. Kennedy, you get one picture of it here now before this committee. There was an entirely different picture of that painted in Philadelphia on or about that time. Everybody that I know said that Mr. Crumbock had taken the position that he just sort of gave up, he didn't want his name put. He made a rather insulted speech to the membership and sort of walked out in a huff. He took his dishes and went home and didn't have anybody nominated.

There were those who said they tried. They may be telling the truth. I don't know. All that I know is that men in whom I had confidence told me that Crumbock sort of folded up and went home.

Mr. KENNEDY. The only point, I would think, is that there must have been two people in the room that would have been interested in nominating him; that these facts were brought to the attention of the international; that the international put the union in trusteeship; that Mr. Cohen never did take over as secretary-treasurer officially until after the second election in May of 1954, and that then the fee was paid.

Mr. McBRIDE. Aren't you leaving out the count, really, and wouldn't you agree with me, that Mr. Grace had something to do with this? He was the president of this local who came in to see me with Mr. Cohen. Does one really go into all that sort of thing when one is being retained? Do you ask questions? Certainly, I don't think that I even questioned at that moment about the size of fees, or squabbled about them.

I don't think I have ever had a fee dispute in my life with anybody.

Mr. KENNEDY. The first meeting that Mr. Cohen actually was present at as an official was immediately following that, after the second election, where you received your fee. You didn't receive this fee during this period of time when he was contesting as to whether he was secretary-treasurer.

Mr. McBRIDE. I didn't even present a bill, because the trustee who had been sent in didn't ask for a bill, and when Mr. Cohen was again elected I was asked for a bill and I sent it in.

The CHAIRMAN. Mr. McBride, I have here what purports to be the photostatic copy of the check paying your bill.

Since it has been referred to, I would like to get it into the record. If you will identify it, I will make it an exhibit.

(The document was handed to the witness.)



Mr. McBRIDE. That is a correct photostatic copy of the check of which I have been speaking, and doubtless about which others have spoken.

The CHAIRMAN. Yes, sir. I wanted to make it a part of the record.

Mr. McBRIDE. Yes, I think it should be part of the record. It looks as though it is my secretary's endorsement of my name, but that is the usual way in which I transact business. It is just as valid as if my own signature were upon it. It is unquestionably the check.

The CHAIRMAN. The check will be made exhibit No. 22.

(The document referred to was marked "Exhibit No. 22" for reference and will be found in the appendix on p. 10820.)

The CHAIRMAN. Mr. McBride, the thing that actually gave rise to the inference about this whole transaction was this testimony or statement of Mr. Carroll. You cannot help, in reading his statement, but gain the impression that you were representing Cohen and a group as such as individuals, at the time, because that is what this clearly states. Of course, I can appreciate he may have been trying to make explanation and may have not made it accurately, not intentionally to mislead the committee, but he may have just not made it accurately at the time.

Mr. McBRIDE. Mr. Carroll would never mislead anybody.

The CHAIRMAN. But from reading this, you couldn't help but draw the inference.

Mr. McBRIDE. You see, Mr. Carroll was attempting to explain something as to which he did not then have personal knowledge. He did what he could by attempting to secure it. But he would not consciously mislead this committee or anybody on earth.

The CHAIRMAN. I didn't say that he would or that he did. I simply said in his attempt, as you say, to make an explanation of a situation that developed here in the course of the hearing, he made a statement, which may be inaccurate, not intentionally so, but which did give rise to the inference that you thought reflected upon you.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Mr. Attorney General, who do you say paid for the defense of Defendant Myhasuk?

Mr. McBRIDE. I don't know of anybody paying for the defense of Myhasuk.

(At this point, the following members of the committee were present: Senators McClellan, Kennedy, Goldwater, Mundt, and Curtis.)

Senator CURTIS. Can someone supply us the date of that trial?

Mr. McBRIDE. I cannot.

Senator CURTIS. Mr. Carroll, can you, or our own staff?

Do you know the date of the trial?

Mr. CARROLL. I am sorry, I do not know.

Senator CURTIS. Do you know approximately the date?

Mr. CARROLL. It could only be a guess, Senator. It was sometime either in late 1953 or early 1954. That is all I can say.

Mr. KENNEDY. He was indicted on May 17, 1954.

Mr. CARROLL. The usual practice is that the preliminary hearing, which is where I represented him, was about a month or 6 weeks in advance of the date of the indictment.

Senator CURTIS. I think that there are 1 or 2 questions here that are of some concern if the testimony of Mr. Roberts is to be accepted.

Mr. McBRIDE. Who is Mr. Roberts?

Senator CURTIS. He was the victim of the assault that Myhasuk administered. If his story is correct, and I see no reason to doubt it, he was assaulted because he supported a faction in a union matter opposed to Mr. Cohen.

If his defense, if the defendant's defense, was paid out of union funds, I think that creates quite a little different problem than the question of who paid for the legal proceeding which has been offered here involving the trusteeship.

Mr. McBRIDE. It may indeed, Senator. I don't think I ever got any money for representing anybody charged with violence.

I don't think that there is a single case in which I sent in a bill for a fee to the union for representing anybody charged with violence.

I am not familiar with the particular case. Mr. Carroll has just said that he represented them. I don't think Mr. Carroll was with my office at the time, but I had come to know him because I sat on the sectional finals of the intercollegiate moot court arguments, interestingly enough, involving the powers of congressional committees, in which Mr. Carroll agreed was the finest in the United States and was very complimentary to the committee, too.

Senator CURTIS. That is very interesting. In this case in which we have the petition before us, did that proceed to a final determination and a decree by a court?

Mr. McBRIDE. The Myhasuk case?

Senator CURTIS. No.

Mr. McBRIDE. This suit that I brought is, as I stated, or was, as I stated, in the process of hearing before His Honor Judge Lewis. He called all counsel together, as experienced judges do, to see if he could work some order out of chaos and achieve a statesmanlike result.

The result was that he persuaded all of us that if each of us was as sincere in the protestations that the union felt a certain way about it, the best thing to do would be to settle it by a fair election supervised by the court.

Senator CURTIS. I understand that.

Was a decree ultimately entered?

Mr. McBRIDE. There was no decree entered because when Cohen was subsequently elected the case fell apart. The trusteeship was removed.

The very purpose for which the suit had been brought was agreed to by the international president, the trustee, and everybody else, and it was a moot case.

Senator CURTIS. I could not speak for the practice in Pennsylvania, but I would think that in a law suit of this kind where none of the parties are dealing with their own money—everybody there was handling somebody else's—that the payment of fees should have been a matter of determination by the court.

Mr. McBRIDE. Payment of what fees?

Senator CURTIS. Legal fees.

Mr. McBRIDE. You mean, for instance, my fee?

Senator CURTIS. Involving this action. Of course, it did not go to final determination—

Mr. McBRIDE. That would be unheard of in Pennsylvania. It just doesn't exist.

We have a court of approval of fees where there are minors involved. We have a court of approval of fees where there are decedents involved. But when persons who are suing for injuries, and corporations or labor unions or individuals make an agreement as to a fee, the court does not attempt to control that fee unless someone protests that it is outlandish. I don't think anybody would suggest that this was.

Senator CURTIS. I am not saying that it should have been done, because I do not know your practice in Pennsylvania. I am merely pointing out that the litigants here are appearing not in their own right but in their various capacities in the union, and whatever assets are there belong to the union as such, all the members.

Mr. McBRIDE. Sure. But, Senator, are you suggesting that every time the union retains a lawyer and enters into litigation, that the court should be given the job of saying how much that lawyer should charge or how much should be paid?

Senator CURTIS. No; not at all. But I think if there are two factions wrestling for control of a union and it goes before a court for final determination, it certainly would be proper for the court to ascertain what part of the expense should be borne out of the union treasury.

I would concede that there might be situations where everybody pursued with honest intentions and the union should bear the cost of both sides.

Mr. McBRIDE. That is not the practice in Pennsylvania. But it could very easily be if in a proceeding in equity one side or the other took the position that the fees charged on behalf of a local union were exorbitant.

The court would always reserve the power to cut the fee down on the theory that counsel is an officer of the court. But no one suggested for a single moment that any such situation existed.

The CHAIRMAN. Are there any other questions.

Senator CURTIS. No; I think not.

Mr. KENNEDY. I just have a few more. When did you cease to represent local 107?

Mr. McBRIDE. When I was appointed to public office. As I said before, the situation as to the private practice of law of public officers was not clear. So, before assuming office, I wrote the committee on professional guidance and asked their advice as to whether I could represent private litigants who did not have any conflicting interest with the Commonwealth of Pennsylvania.

I received a decision by them on or about January 17. I then speedily wound up all connection, not only with the union but with my old law firm.

I think it became effective 13 days thereafter, or about February 1.

Mr. KENNEDY. Did you receive any moneys from the union after you became attorney general?

Mr. McBRIDE. I received 1 or 2 checks after becoming attorney general, but after the decision of the committee on professional guidance was rendered, I received a third check and sent it back.

Mr. KENNEDY. That was for the practice or that was for the services you had rendered to local 107 prior to that time?

Mr. McBRIDE. Yes. I was counsel and we used to have labor negotiations with 400 or 500 trucking firms lasting as many as 17 hours a day trying to stop strikes before the first of the year.

Mr. KENNEDY. May we identify those, Mr. Chairman?

The CHAIRMAN. Here appears to be three checks, Mr. McBride, in the amount of \$1,250 each, dated January 10, 1957, February 6, 1957, March 4, 1957, checks from this union.

You may identify them, if you will, and make any explanation of them you desire.

Mr. McBRIDE. The checks were all received by me and the endorsement bears my name signed by my secretary.

I recognize her handwriting. The two checks, January 10 and February 6, 1957, were for my services up to date and involved payment up to February 1, the date around which I withdrew from the firm.

The check for March 4, 1957, was received in the normal course of business, deposited by my secretary, and then I immediately instructed her when I found out about it to send my personal check for \$1,250 to my former firm, which was done, and I transmitted a letter to that former firm which they have.

I received neither directly nor indirectly any other checks or moneys since.

(At this point, the following members were present: Senators McClellan, Kennedy, Goldwater, Mundt, and Curtis.)

The CHAIRMAN. Those checks may be made exhibit 23-A, B, and C.

(The documents referred to were marked "Exhibts Nos. 23-A, B, and C" for reference and will be found in the appendix on pp. 10821-10823.)

The CHAIRMAN. You did receive also, in addition to your retainer, I think, which may be of some consequence, of \$1,250 a month, a \$500 Christmas present from them?

Mr. McBRIDE. I may have. I don't recall it.

The CHAIRMAN. It says "Christmas gift." I guess that means present. You may examine this check and see if that is not so.

(The document was handed to the witness.)

Mr. McBRIDE. Yes. I again recognize my secretary's handwriting, and fully agree that I did receive that.

The CHAIRMAN. That may be exhibit 23-D.

(The document referred to was marked "Exhibit 23-D" for reference, and will be found in the appendix on p. 10824.)

The CHAIRMAN. Is there anything further?

Senator KENNEDY. Mr. McBride, I understand now that your argument is that on the first payment, the authority for your being hired to take over the case representing Mr. Cohen, your authority for that was Mr. Grace?

Mr. McBRIDE. Yes, sir.

Senator KENNEDY. And that, therefore, you argue that the professional guidance group in Philadelphia—did you become involved with them on that case or only on this last point?

Mr. McBRIDE. No. The only way in which I solicited their opinion had to do with the question of what I should do after becoming Attorney General.

Senator KENNEDY. That is the first. The second matter is, as I understand—well, you took office on what date, exactly?



Mr. McBRIDE. December 17, 1956.

Senator KENNEDY. You took the oath then?

Mr. McBRIDE. Yes.

Senator KENNEDY. When did you get the decision from the bar group in Philadelphia?

Mr. McBRIDE. I believe on or about January 17, 1957.

Senator KENNEDY. Then, as I understand it, the money involved at Christmas was a part of your compensation for the former year?

Mr. McBRIDE. For the past year.

Senator KENNEDY. Then your checks that you got in January, February, and March, 3 checks, as I understand for \$1,250 each—

Mr. McBRIDE. That is true.

Senator KENNEDY. The March check, you state you returned that money yourself?

Mr. McBRIDE. I did. I drew my own personal check and sent it with a letter to Mr. Von Moschzisker, who happens to be in the room.

Senator KENNEDY. What about the February check?

Mr. McBRIDE. The February check I retained because I was connected with the law firm until the decision by the committee on professional guidance, and since it had really never been determined before, any many attorneys general had continued their private practice, I hastened to put my affairs in order. I allowed myself 2 weeks to do it. By February 1 I stopped, I cleaned up everything that I had with the union as one of my clients, and when the February check came it was in payment up to and including February 1. So I felt that I was justly entitled to that. That is, you don't get a decision to wind up your affairs on Tuesday and get them wound up on Wednesday.

I accomplished it in 13 days. When the March check came in, my secretary, who handles all of my financial affairs, accepted it. When I found out about it, I immediately drew my own check to the firm, which has continued to get them all since.

Senator KENNEDY. I think it probably would have been better, in view of all that has come out about the way the union is administered, about the January and February checks—

Mr. McBRIDE. Had they been returned?

Senator KENNEDY. Probably. It seems to me it would have prevented any misunderstanding. But in any case, that is a matter of record.

Mr. McBRIDE. I don't really see that. This is a decision on January 17, which had never been rendered before.

Senator KENNEDY. Then actually you shouldn't have taken what would be the February check.

Mr. McBRIDE. The February check? That was for work I had done during the month of January, not only before the opinion but after the opinion, winding up my affairs, including doing work for the union to wind them up.

Senator KENNEDY. Even though you were attorney general?

Mr. McBRIDE. Yes; but I used to work at night by telephone and things like that. There were conferences. There were labor union agreements being negotiated. I think they felt that I was a somewhat leavening influence between them in helping to bring about peaceful resolutions of conflict rather than trouble.

Senator KENNEDY. As I say, Mr. McBride, that is a matter just for your own judgment. I think there is nothing that would indi-



cate that you have done anything that was improper in any way. I think that it is quite clear that your intention was to do the right thing. I think it would have prevented misunderstanding once you become Attorney General, but at least you did take steps to unwind it.

The first problem is one of more lasting significance, only because we have had a good many conversations with Mr. Carroll about the responsibilities of a lawyer or the counsel of a union to the union officers and members when cases like this are involved.

We are hopeful that the Philadelphia bar, the group on professional guidance, which we have been discussing the last 2 or 3 days, will look into this matter in some detail in order to give clearer guidance to other attorneys as to where their responsibility lies in these cases.

Mr. McBRIDE. Senator, I join you in that view. I hope that they will give clear guidance. I know that Mr. Carroll, and any other lawyer from Philadelphia, will follow it. I, myself, was chancellor of that bar. I appointed just such committees. I feel that we have a deep responsibility to the public and to the Government, and to the people.

As well as any bar in America, we recognize it. In this situation, I don't think it has ever come up quite this way before, because you do not have two parties, the union and the union members, fighting with each other.

The alleged conflict comes from the fact that other witnesses say there is a conflict. The union members and the officers say that there is none. But when that conflict appears, it is their duty to take a stand.

Senator KENNEDY. Mr. McBride, in a case of a proxy fight, say in the New York Central proxy fight, or any other proxy fight, is it your understanding that both groups in those cases are compensated by the company itself for legal fees, or both groups?

Mr. McBRIDE. If there is full disclosure, they could be. As a matter of fact, one of the great things that I think has been proposed before the Congress of the United States is that both contending forces in political campaigns be paid by the Government so as to eliminate private contributions.

There, the one side, the one government, would be compensating both sides who are at each other's throats, and it would perhaps be a very good thing if that were so.

But the real issue is whether there is full disclosure. That is, whether one litigant is relying upon his lawyer to give him unswerving fidelity and devotion, unfettered by any duty to his opponent.

He has that absolute right. But where both, then with the full knowledge of the circumstances, say that they do not have conflicting interests but parallel interests, they have the same interests and they wish to be represented by the same lawyer, the problem is a whole lot more difficult. It is not free of disturbing factors either way.

I am sure that they will give a considered, reasonable and just answer to it.

Senator KENNEDY. Thank you, Mr. McBride.

The CHAIRMAN. Senator Mundt.

Senator MUNDT. I wasn't sure I understood your answer to Senator Kennedy's question about a proxy fight, in a corporation.

If I did, I think you said, and I question the accuracy of it if you said that, that in a proxy fight in a corporation the company pays the cost of both sides of the proxy fight.

Mr. McBRIDE. No, I didn't say that they do. But that is not the same as talking about the conflict of interests which exist between counsel representing two parties, where the parties themselves agree that there is no conflict. In a proxy fight, they are fighting with each other. In this proceeding before this committee, up to the present, as I understand it, and I have been here only this morning, neither the union members nor the officers of the union are fighting with each other. They have full knowledge of the situation. They ought to be free to choose their counsel.

(At this point Senator Kennedy withdrew from the hearing room.)

Mr. McBRIDE. If they were fighting with each other, and there were no full disclosure, then no lawyer would have the right to represent both.

Senator MUNDT. We have had in the course of these hearings frequent instances where the union has paid the attorneys for union officials, who, in turn, are defending their actions, as against the interests of the union members. It is that kind of thing that I believe disturbed Senator Kennedy, and which certainly disturbs me, where you have union officials who have been charged and subsequently found guilty, of defrauding the union members.

It seems to me there is something highly improper to have their attorneys paid for by the very same union members, out of their dues, when, in turn, they are the ones who have been defrauded by the union officials.

Mr. McBRIDE. I think you are speaking of a situation when it gets into a court, or when it gets into an adversary procedure, whereby the union members are contending one thing, and the officers are contending something else.

I think then it is wrong for the union to use the dues paid by union members to defend officers. But where they both think that their interests are identical, and they do not themselves conflict in their situation, I don't know any principle of law that would prevent the union from protecting its officers who get into difficulties asserted by a third party because they were union officials, any more than if the president of a corporation, by virtue of his acts as president, is brought into court to answer to some charge. I don't see anything wrong in the corporation backing him up, believing him to be right, even though subsequently he turns out to be wrong.

Senator MUNDT. I am not talking about the case when you get into trouble with a third party. I am talking about the case, whether it is in court or before a congressional committee, where a union officer has been defrauding his members. He then comes before a committee or a court to be interrogated, to be questioned, and we ask him whether he is paying for his own attorney or whether the union members are paying for the attorney, and he says "No, the union is paying for him."

Subsequently, sometimes by court action, and sometimes by action of the AFL-CIO Ethical Practices Committee, the man has been removed from office, thereby establishing his guilt as against his own members. It doesn't seem to me that the members, who have been

defrauded by his actions as a union official, should have piled on that expense also the cost of the attorney who is chosen to defend him.

Mr. McBRIDE. You see, Senator, the difficulty is in deciding that question at the point where it is before an investigating committee and not before a tribunal that is going to finally decide the question.

It is complicated by the factor that when a lawyer appears here, and he is asked to take a position in the middle of an investigation which commits him to withdrawing on one side or the other. It was the chairman himself who pointed out that that might not only cause delay, because the witness had the right to rely on the lawyer representing him, and if he withdrew and left one lawyer less, the committee undoubtedly would give the man a chance to get another lawyer.

Perhaps in this particular situation, or in any other, this situation will be resolved by getting some binding declaration of policy from a strong bar association which, having considered the whole record, will decide what they think is ethical.

Mr. Carroll has stated to you, and I know he means it, that if this bar association tells him what he should do, he will simply obey it. That is all there is to it.

The CHAIRMAN. The Chair would like to observe at this point that my reference to the inconvenience that might be caused the committee, in deference and fairness to a witness who the committee found had an attorney that had a conflict of interest, is not intended to imply or for anyone to infer that the Chair condones that duplicity of interest and the conduct of an attorney who might engage in it.

(At this point, the following members of the committee were present: Senators McClellan, Goldwater, Mundt, and Curtis.)

Mr. McBRIDE. I was not interpreting the chairman's position. I was just repeating it.

The CHAIRMAN. I was speaking of the inconvenience that it might cause the committee and therefore we would proceed. I was leaning over in the other direction.

Senator MUNDT. I think that this is something to which the bar association should well devote some study and make some recommendations.

If they approve it, let them approve it openly so that the whole country will be so advised and so other lawyers will be so advised.

If they disapprove it, I think they should make the same public so that the country would know the position of the American Bar Association and so that other attorneys, who might confront the same problem, will have that guidance, because it is not something on which you can very well legislate.

It just does not seem to be right in several cases which have occurred, and I am not now referring to this particular hearing but in previous hearings before this committee, to heap on the poor dues-paying member, who has been defrauded, whose money has been misused, who finds himself paying substantially higher dues than he would otherwise pay if his union were honestly run, to add insult to injury by them compelling him also to pay dues to finance the lawyers to protect the crooks who have been running his union.

Mr. McBRIDE. I have no doubt, Senator, that the Philadelphia Bar Association, for one, will address itself promptly to the problem. But as you suggest, if it going to be a rule to cover not only the lawyers

from Philadelphia or Pennsylvania or your own distinguished State, it should be the American Bar Association which does it.

Senator MUNDT. I would think so.

Mr. McBRIDE. But any local bar associations attempt always is to interpret the canons of professional ethics in accordance with the decision of the American Bar Association.

Senator MUNDT. And the American Bar Association has some precedent for injecting itself into this kind of proposal because they have shown no hesitancy whatsoever in making recommendations rather generously to Congress about how Congress should conduct its hearings and examine its witnesses and it seems to me now it looks in a mirror to check on the practices of its own members and it should have no more hesitancy to act with some promptness with this particular problem.

Mr. McBRIDE. Senator, don't be bitter.

Senator MUNDT. I am not bitter. I am speaking from an abundance of experience. One other question just to clarify the record, Mr. McBride.

I think you said as of February 1 you discontinued any further connection with your previous law firm and that you discontinued taking any more pay from the union.

I was not clear whether as of that date you also discontinued any private practice with other clients or whether this referred only to the union.

Mr. McBRIDE. It referred to every single client I had, except one as to which I was in the middle of litigation and I continued that.

Since it was in equity and not a jury trial, I continued on special afternoons, and the last hearing was on a Saturday when I would be in Philadelphia and we continued the hearing.

Outside of that one case from which in good conscience—it was a civil case, it had nothing to do with the Commonwealth's interest or the Government, two private litigants in a bill of equity—I could not withdraw because of the insistence of my client. But every other case of every kind whatsoever I withdrew from.

Senator MUNDT. That is all, Mr. Chairman.

Senator CURTIS. Mr. Chairman, I dislike to prolong this and I doubt if the distinguished witness before us can answer about these things because apparently he has been out of the practice and certainly out of his firm, but the problem in ethics that we are faced with here is one—and I will state it in a hypothetical way—if a lawyer represents two witnesses called before this committee and both witnesses ask him individually and separately what their rights in declining to testify on the ground of self-incrimination, and also what advice the attorney has for them on whether or not they should avail themselves of those rights, that is the very purpose that witnesses are allowed to have counsel here.

It is entirely conceivable that many instances will arise where, if an attorney represents two such witnesses, he is called here, that if he advises witness A that he has a right to decline to answer on the ground of self-incrimination but it is his advice that it would not be for his best interest to do so, it could be that if witness A testifies it is damaging to witness B and that is exactly the situation we have here.



The lawyer is placed in the position of advising 2 clients and the ultimate carrying out of his advice will be adverse to 1 or the other.

I do not expect the distinguished attorney general from the State of Pennsylvania to resolve that for us because he has withdrawn from it, but that is the matter that is at least worrying me about the situation here.

Mr. McBRIDE. I would like to comment.

Senator CURTIS. I do not accept the view that a conflict of interest arises only when it is established controversy or even near that. I think that the citizens of the country in seeking the advice of a lawyer, and a lawyer is an officer of the court, are entitled and as a matter of established ethics of the American Bar Association are entitled to the determination of whether or not there is a conflict of interest between that client and any other client at the very time that they seek counsel of the lawyer.

As I say, I have submitted this at this time and point out a hypothetical question, but I think it is a very real one and I think it does have a definite application to this investigation of 107.

I do not have the facts in all instances. I do not know what is taking place in the minds of various witnesses. But so many members of the union avail themselves of the right not to testify on the ground of self-incrimination that it leads me to wonder if it isn't true that had they gone ahead and testified they could not have possibly incriminated themselves but they might have incriminated others who were represented by the same attorney, the same attorney who tells them what their rights are and then advises them whether or not it would be wise to avail themselves of those rights.

That is the one proposition that is unresolved here. The other one is this:

This witness Roberts was a member of local 107. He was beaten up. The man who beat him up was defended in court.

Now if union dues paid for that defense, then Mr. Roberts, as a member, had to pay his proportionate share for the defense of his assailant. That question has not been answered.

I suppose it could be ascertained who, if anybody, paid for the defense of Myhasuk—is that the way you pronounce it?

Mr. McBRIDE. I understand that is the way you pronounce it, yes.

Senator CURTIS. That is all, Mr. Chairman.

Mr. McBRIDE. May I just comment on the last thing, Senator?

Senator CURTIS. Yes.

Mr. McBRIDE. I think what you said to the effect that if a man is beaten up by another union man and the union pays for the defense of the guilty assaulter, I think that is unfair.

That didn't happen, so far as I know, in the Myhasuk case. I don't think anybody paid any lawyer anything in Myhasuk's case. I don't personally recall what the case was about, but the mere fact that two men are on different sides of a fence in a matter that excites them, and one assaults the other, it does not follow that he did so at the instance either of the union or of the people he is backing.

They may just have gotten into a fight.

The CHAIRMAN. Are there any other questions?

Senator GOLDWATER. Just one.

The CHAIRMAN. Senator Goldwater.



Senator GOLDWATER. Mr. McBride, this is a little different line. Is your position in the State of Pennsylvania an elective one?

Mr. McBRIDE. It is an appointive one.

Senator GOLDWATER. By the Governor?

Mr. McBRIDE. By the Governor.

Senator GOLDWATER. To your personal knowledge, has there been any money given by local 107 to politics in Pennsylvania?

Mr. McBRIDE. I know of no money ever given by local 107 for any political cause whatever.

Senator GOLDWATER. Thank you.

Mr. McBRIDE. Republican, Democratic, or anything else.

The CHAIRMAN. Any other questions?

Mr. KENNEDY. Just a couple. Mr. Attorney General, while you were being retained by the local 107 there were a number of individuals who were charged, were they not, with beating other individuals or participating?

Mr. McBRIDE. When I was retained—what do you mean? At the time of my retainer or while I was counsel?

Mr. KENNEDY. During the period of time you were retained.

Mr. McBRIDE. There were persons who were locked up during a strike and it was charged that they had been guilty of violence.

Mr. KENNEDY. And there were individuals who were beaten up or alleged that they had been beaten up by these individuals?

Mr. McBRIDE. Yes.

Mr. KENNEDY. At that time you did represent members of the local against whom the complaint had been made?

Mr. McBRIDE. I don't remember ever representing any. Can you refresh my recollection?

Mr. KENNEDY. John Myhasuk we talked about. Then there was a Larry Thomas.

Mr. McBRIDE. I don't think I ever represented him.

Mr. KENNEDY. Bernard Brown?

Mr. McBRIDE. Never, not that I know of, did I.

Mr. KENNEDY. Didn't your law firm?

Mr. McBRIDE. Harry Brown.

Mr. KENNEDY. John Corochak.

Mr. McBRIDE. I know all of those names and I know they were involved in a strike and they were arrested in connection, but I don't recall that I represented them. It is possible that my memory is not clear, but I know as a policy I adopted the position that where violence occurred, since I was so much against it, in connection with union matters, that if any union member was locked up for violence, he would have to get other counsel.

I know of any number of instances in which they got other counsel in which I didn't represent them.

Mr. KENNEDY. There were a number of other instances where you were not retained where people were locked up for violence?

Mr. McBRIDE. As to the names you mentioned, do you have information that I did.

Mr. KENNEDY. That is what we understand.

Mr. McBRIDE. I never tried any cases in court. I don't recall them. I do not deny it.

(At this point, the following members were present: Senators McClellan, Mundt, Goldwater and Curtis.)

Mr. KENNEDY. Did you know anything about the sort of loose practices with the money of local 107?

Mr. McBRIDE. The what?

Mr. KENNEDY. The loose practices?

Mr. McBRIDE. No, absolutely nothing.

Mr. KENNEDY. For instance, the \$500 Christmas gift that they made to you, there was never any approval of the local membership?

Mr. McBRIDE. I don't know. I imagine there was.

Mr. KENNEDY. There was not.

Mr. McBRIDE. Then I accept your statement. But I didn't know anything about it. Corporations and others sometimes give either bonuses or Christmas presents to persons. I think in the entire time, I don't know of a single bill in addition to the retainer that I sent them, and for the amount of work, I suppose I could have sent them additional bills, that is, additional to the retainer, of possibly 15 or 20 thousand dollars additional. I never did it, probably they sent that gift in appreciation of that fact.

But I have no knowledge as to whether it was taken before the membership.

Mr. KENNEDY. On the other matter we were discussing, as far as your approval as counsel for 107 was concerned, that did not come until June 27, 1954.

Mr. McBRIDE. Approval by whom?

Mr. KENNEDY. By the membership.

Mr. McBRIDE. I don't know when that came.

Mr. KENNEDY. That is when it did come.

Mr. McBRIDE. I accept your statement. But the executive officer in charge did retain me. I don't think in respect of corporations or anybody else they hold a membership meeting for the purpose of deciding whether the president of a corporation can retain a lawyer.

Mr. KENNEDY. I am just pointing that out.

Mr. McBRIDE. Well, I accept your statement, of course, quite fully.

Mr. KENNEDY. That is all, Mr. Chairman.

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. Senator Mundt.

Senator MUNDT. You said a minute ago, Mr. McBride, that Mr. Myhasuk's attorney was never paid.

Mr. McBRIDE. I say that I don't think I was ever paid and I don't think he was either.

Senator MUNDT. You didn't represent Myhasuk, did you?

Mr. McBRIDE. No.

Senator MUNDT. But somebody must have represented him. He was in court.

Mr. McBRIDE. I think the testimony indicates that John Carroll, who was not then a member of my office, at my request represented him and made no charge at all to anybody, to me, to the union, to Myhasuk, or anybody else.

Senator MUNDT. He was not a member of your firm at the time?

Mr. McBRIDE. I don't think he was in 1954, no, early 1954.

Senator MUNDT. For what reason did you ask him to represent Mr. Myhasuk?

Mr. McBRIDE. Because he was a young lawyer starting in. I thought he was a very good lawyer, and, incidentally, still think so.

Senator MUNDT. The question goes to the quandary in my mind as to why you should be more interested in Mr. Myhasuk than the fellow that got beaten up, that you wanted to get him a lawyer.

Mr. McBRIDE. Who was beaten up, Senator? I don't remember.

Senator MUNDT. Mr. Roberts.

Mr. McBRIDE. I don't know what Mr. Roberts got beaten up about, or whether Myhasuk was guilty or innocent. Was Myhasuk guilty or innocent?

Mr. KENNEDY. We asked him about the incident and he took the fifth amendment.

Mr. McBRIDE. Then it would appear that he had not been convicted, because had he been convicted, he would no longer have any fifth amendment to take.

Senator MUNDT. I wish for a couple of days you were still a lawyer of 107, because we have a lot of trouble with these former clients of yours. They all take the fifth amendment. I would like to find a lawyer who would tell them to cooperate with the committee instead of trying to confuse the issues.

Mr. McBRIDE. Senator, it can never be forgotten that when the Constitution defines what is cooperation, and says that a man may take the fifth amendment, that represents cooperation in the constitutional sense. I join with you in feeling that it is the duty of every citizen to tell the State or National Government anything he knows.

But where he properly invokes the fifth amendment, or in my State, article I, section 9, he is cooperating in the sense that the constitution lays the duty upon him.

We must never forget that.

Senator MUNDT. There is no question about that, Mr. McBride, when he properly uses it. But I imagine we have a lot of constitutional forefathers twirling in their graves these days by the way some of these union people are now utilizing the fifth amendment.

Senator CURTIS. For how many years did you represent the union?

Mr. McBRIDE. I would say from approximately November 18, 1953, until the beginning or the first month of 1957.

That would be 3 years and possibly 1 month or 2 months.

Senator CURTIS. Did they give you a Christmas gift each year?

Mr. McBRIDE. I don't recall. This \$500 I didn't recall until you showed me the check.

Senator CURTIS. That was one that was paid after you were attorney general, was it?

Mr. McBRIDE. I don't remember. I didn't look at the date.

Senator CURTIS. I think the date was December 20.

Mr. McBRIDE. Then that would be 3 days after I became attorney general. I remember one time, I think it was about Christmas, that they sent me something that was mentioned here, some plaque involving \$11.50 in connection with a marlin fish. I think at other times they probably gave me a Christmas present. But all my life in the practice of law, I have gotten Christmas presents from clients.

Senator CURTIS. You do not regard a Christmas present as earnings?

Mr. McBRIDE. No; I do not regard it as being earned, but I think it bears a definite relationship to—

Senator CURTIS. I understand. What I mean is it is not in the category of compensation for services rendered?

Mr. McBRIDE. No; I don't think it is. It is not exactly in the nature of a bonus. It isn't dependent upon how much salary you earn and so forth. But all lawyers occasionally get Christmas presents from their clients. For instance, the following year when Christmas came around, I was given no Christmas present. I would not accept, as attorney general, any Christmas present from anybody, never have, never will.

Senator CURTIS. I wasn't suggesting that.

Mr. McBRIDE. No.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. If there is nothing further, thank you very much, Mr. McBride.

(Affidavit of Thomas McBride follows:)

COMMONWEALTH OF PENNSYLVANIA,

*County of Dauphin, ss:*

I, Thomas D. McBride, being duly sworn according to law, make the following statement for the purpose of having it incorporated in the record of the Select Committee To Investigate Improper Activities in Labor-Management Relations, in accordance with rule 12.

The attorney general of Pennsylvania is appointed by the Governor and is subject to confirmation by the senate. There is no rule, custom, statute, decision or tradition that the attorney general may not represent litigants in private cases contemporaneous with his representation of the Commonwealth. Of course, his ability to handle private litigation is necessarily circumscribed by two factors:

1. He must not represent any interest adverse to the Commonwealth.

2. He must not permit his private practice to become so extensive as to prevent him from the efficient conduct of his public duties.

I am advised, believe, and therefore state that none of my distinguished predecessors for at least the last 50 years ever gave up the private practice of law or failed to practice law privately during his tenure of office. This fact is important because since it is so I would have been entitled to have continued to represent local 107, or any other private client, at all times while I have been attorney general.

Prior to my assumption of office, however, on December 14, 1956, I solicited the opinion of the committee on professional guidance of the Philadelphia Bar Association as to my further remaining a member of a law firm which practiced not only in the State but in the Federal courts.

The gist of the opinion filed by that committee on January 18, 1957, is that so long as I remained a member of the firm neither I nor my partners should participate in any criminal case, State or Federal, nor in quasi criminal proceedings, nor in any case where an actual conflict of interest would exist. It did not say that I could not practice law privately where no conflict existed. The committee defined a conflict of interest in accordance with canon 6 of the Canons of Professional Ethics of the American Bar Association, as follows:

"A lawyer represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose."

After the opinion of the committee on professional guidance was received by me and to free my partners of restrictions placed upon them if I were to continue as a partner, but more particularly because of the pressure of my public duties, I decided to withdraw from the firm and to refuse all private cases. I did this as a purely voluntary act and have steadfastly continued it up to and including the present time.

I have not accepted any new retainers since January 1957 and concluded only one case in equity of which I spoke in my testimony.

In the light of these facts, therefore, the situation of my having accepted a Christmas gift 3 days after my assumption of office, from a private client not doing any business whatever with the Commonwealth and having no connection whatever with the performance of my official duties, was entirely appropriate in the same way as if I had received it from a longtime individual client or a corporation.

This applies also to the fees received in January and February 1957.

I want to emphasize therefore that there is nothing that makes the holder of the office of attorney general ineligible to practice law on behalf of private litigants.

THOMAS D. McBRIDE.

Sworn to and subscribed before me this 21st day of April A. D. 1958.

MINA J. WELD, *Notary Public*.

My commission expires March 1, 1960, Harrisburg, Pa., Dauphin County.

(At this point, Senators Mundt and Goldwater withdrew from the hearing room.)

Mr. KENNEDY. Mr. John English.

The CHAIRMAN. Come forward, Mr. English.

(At this point, the following members were present: Senators McClellan and Curtis.)

The CHAIRMAN. Mr. English, will you be sworn, please? You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ENGLISH. I do.

# TESTIMONY OF JOHN F. ENGLISH, ACCOMPANIED BY COUNSEL, EDWARD BENNETT WILLIAMS, WASHINGTON, D. C.

The CHAIRMAN. State your name, your place of residence, and your occupation, please, sir.

Mr. ENGLISH. My name is John F. English. I live at 5605 McLean Drive, Bethesda, Md. I am the general secretary-treasurer of the International Brotherhood of Teamsters.

The CHAIRMAN. Thank you very much. Mr. Williams appears as your counsel?

Mr. ENGLISH. Yes, sir.

The CHAIRMAN. Would you state your name for the record, Mr. Williams?

Mr. WILLIAMS. My name is Edward Bennett Williams. I am a member of the District of Columbia bar.

The CHAIRMAN. Thank you very much.

Mr. Counsel, you may proceed.

Mr. KENNEDY. Mr. English, there is just one matter on which I wanted the committee to have the benefit of your testimony, and that was the situation in local 107, where there were, over a period of some 3½ years, large numbers of checks which were made out to cash.

Mr. Crumbock, when we interviewed him earlier, had furnished an affidavit in which he stated that:

Early in my administration I was coached in sound fiscal practices by John English, general secretary-treasurer of the International Brotherhood of Teamsters, and he particularly pointed out to me the unsoundness and justified suspicion which would follow the disbursal of the local's money by checks written to cash.

There was little or no need for such a practice if the disbursements were honest. From then on, I followed that advice and rarely ever wrote a check on local 107 to cash; when it was done, it was done for small amounts.

I know that it is impossible for you, as secretary-treasurer, to be able to keep track of all of the locals throughout the United States, together with the other responsibilities that you have, to watch over the international funds. I recognize that. But also seeing that you



gave this advice, at least, as Mr. Crumbock remembers it, regarding the matter of writing checks to cash with no backup on them, I thought that you would give your ideas to the committee on that, and also whether there are any steps that the international was or is now taking in order to determine whether this practice is continuing in local of making checks to cash.

(At this point, Senator Mundt entered the hearing room.)

Mr. KENNEDY. Is it your opinion that it is a bad fiscal policy by a local to make out large amounts of money to cash?

Mr. ENGLISH. Yes. We would like to have all the checks made to the people where they should really go. But there are times when we have to make it out to cash. I have opposed that as much as I could, and have tried to show them that they should pay by check. Then the people that sign that check or endorse it, they took the money and they know they got it.

Mr. KENNEDY. So you could then have a determination as to how the money was being used; isn't that correct?

Mr. ENGLISH. Yes.

Mr. KENNEDY. If the check was made out to a particular individual.

Mr. ENGLISH. Yes.

Mr. KENNEDY. And that would be true, would it, for organizing expenses, the check to be made out to the particular individual in those cases?

Mr. ENGLISH. Well, in some cases, yes, and in some cases, no.

Mr. KENNEDY. But by and large that is generally true?

Mr. ENGLISH. Well, we are trying to put that through. We are working on it all the time. Sometimes an organizer has to pay cash, and, naturally, we have to take his word for it, and the men we hire we have a lot of confidence in.

Senator MUNDT. Under what kind of circumstances, Mr. English, does a man have to write a check for cash?

Mr. ENGLISH. Well, there is different times that the business agents or the secretary-treasurer of a local union would have to write for cash, probably where there is a big strike on.

He would be called to pay out in cash for different things.

Senator MUNDT. That is probably clear to you, but it isn't just clear to me why in a strike you have to write the check to cash instead of to the fellow who is going to get the money.

Mr. ENGLISH. If you had to pay so much money out, Senator—suppose you had to pay out \$500 to 20 people. Instead of making the checks for \$500, instead of making checks to all of them, you get a check for \$500 in cash and you give it to the men.

Senator MUNDT. As strike benefits?

Mr. ENGLISH. As strike benefits.

(At this point, Senator Curtis withdrew from the hearing room.)

Mr. ENGLISH. Then, again, you have Christmas presents and different other presents, and there are different things that we have to do or they have to do where we don't want to have to ask a man to take a check for a couple of bucks, or 10 bucks, or \$15.

We lump him, we allow them to do it, and we expect that the trustees of the local union understand or find out where the money went. In fact, we do it in our own international union. The idea is that these

local unions have three trustees. They take the same obligation that we take, and we are depending upon them. We have depended upon them. But I think if you investigate our organizations being investigated, you will find out that the money that we have spent throughout the country, and the men that we have bonded, you will find out that our organization is right up there on top with the best of them.

Mr. KENNEDY. The trouble, of course, with the trustees of local 107 is none of them would answer any questions.

Mr. ENGLISH. What?

Mr. KENNEDY. None of them would answer any questions before the committee.

Mr. ENGLISH. None would ask any?

Mr. KENNEDY. None would answer any questions before the committee.

Mr. ENGLISH. Well, I don't know anything about that.

Mr. KENNEDY. Do you have auditors going around checking on any of these locals?

Mr. ENGLISH. Yes, sir, I do.

Mr. KENNEDY. How often do they do that?

Mr. ENGLISH. According to the constitution, I must have every local union audited once within 5 years. But since the last convention the local unions—and I might say for the Senators, every recommendation that I made to the convention was carried, so that the unions now will be audited once a year by a certified public accountant, and I, as international general secretary-treasurer, will see that the organizations are audited every 2 years.

Mr. KENNEDY. What instructions have you been issuing to the auditors, and what kind of reports do they make to you regarding the finances of these locals?

Mr. ENGLISH. They make the recommendations of the per capita tax paid to us, and what the locals unions collect.

Mr. KENNEDY. Is there any effort to determine whether the money is being used properly by the local in the audits that have been conducted?

Mr. ENGLISH. Well, we don't give what you would call a regular audit, but we have the auditors go over the books and find out whether the organization is going ahead or going backward.

If we find out that the expenses are more than the receipts, we call them to task.

At this point the following members were present: Senators McClellan and Mundt.)

Mr. KENNEDY. Then that would be just a question of adding up what the receipts are and what the disbursements are and if the receipts are more than the disbursements then they will be all right, is that right?

Mr. ENGLISH. Yes, we find that is all right; if the organization is showing progress we think that is enough.

Mr. KENNEDY. Did you determine at all whether the disbursements are proper disbursements?

Mr. ENGLISH. In most cases yes, they have a right to go over the books and see what they think is right or wrong and they have a right to take it up with the treasurer.

Mr. KENNEDY. They have a right. Do you give them instructions to do that, sir?

Mr. ENGLISH. Yes, sir.

Mr. KENNEDY. Do you have written instructions?

Mr. ENGLISH. No, sir.

Mr. KENNEDY. You just give them verbal instructions?

Mr. ENGLISH. Yes, verbal instructions.

Mr. KENNEDY. How many auditors do you have working under you?

Mr. ENGLISH. We have three now. We did have five. According to the new constitution we will have 5 or 7.

Mr. KENNEDY. Are they the ones who conduct the audits of the locals?

Mr. ENGLISH. Yes.

Mr. KENNEDY. You have three auditors that go around.

Mr. ENGLISH. We did have five. One died and one resigned and we are now down to three. We are going to put on two immediately and if we need any more we will put them on.

Mr. KENNEDY. How many locals do the Teamsters have?

Mr. ENGLISH. We have around 900.

Mr. KENNEDY. How could 3, 5, or even 7 auditors audit 800 or 900 locals?

Mr. ENGLISH. You must remember that at least 75 percent of these organizations have certified public accountants. Once they do that, they help our auditors a lot.

Mr. KENNEDY. Do the certified public accountants go in and attempt to determine whether the disbursements are proper disbursements?

Mr. ENGLISH. That is none of their business.

Mr. KENNEDY. Then you don't really have any check in the locals at the present time to determine whether a union's funds are being used honestly or dishonestly at the present time?

Mr. ENGLISH. As far as we know they are. In any case they are not, we find they are not, I send an investigator right in.

Mr. KENNEDY. You don't have anybody that is around checking to determine that the funds are being used properly?

Mr. ENGLISH. No; 900 local unions that is almost impossible.

Mr. KENNEDY. For instance, we have this audit—I presume this is the audit for local 107.

The CHAIRMAN. We have here, which I present to you, Mr. English, what appears to be report of audit dated April 30, 1954, to July 31, 1955, local 107, Philadelphia, Pa., this appears to be the original audit report. Will you examine it and state if you identify it as such?

Mr. WILLIAMS. Mr. Kennedy, I think you will find in Mr. Bellino's possession other parts of this particular audit. I think what you have handed the witness is not complete. I think if you will give us the file it would be very helpful.

(Document handed to counsel.)

Mr. WILLIAMS. Mr. Kennedy, would you ask Mr. Bellino, please, to turn over the file which I gave you this morning on 107 which are the audit reports and all the financial data up through 1955.

Mr. KENNEDY. Is this the one you are talking about?

Mr. WILLIAMS. I can't see it from there.

(Document handed to Mr. Kennedy.)

Mr. ENGLISH. This report we have here, Mr. Chairman, is report for March 1, 1950, to November 30, 1953. Then we come over here, this

is the report from April 30, 1954, to July 31, 1955. I recognize this—if I don't make a mistake, this must be taken in a court case.

Mr. WILLIAMS. I think some of the confusion has been germinated, Mr. Chairman, by the fact that all of these records were subpoenaed in January from the international and they were photostated and turned over to the committee and this morning a new subpoena arrived calling for these records again and they were once again turned over to Mr. Bellino, and I think that you will find that the documentation for this sheet of paper, which appears to be an audit report of August 23, 1955, synopsised, is currently in your files. The documentation for the 1953 audit is here. But I think you will find that the original documentation for this audit is in the committee files.

Mr. KENNEDY. Let me ask you this: When you get an audit, Mr. English, and you get an audit report, what does it look like?

Mr. ENGLISH. Well, in some instances—

Mr. KENNEDY. I am not talking about where you have a special audit. That audit you are holding in your left hand was a special audit that was requested at the time of the election up in Philadelphia. I am trying to find out what the regular procedure is as far as the international is concerned.

Mr. ENGLISH. The procedure is that we send out this report. On the left-hand side is the dues paid into the local union, and on the right-hand side is that paid into the international union. So the total for that number of years we subtract one from the other and they either owe us money or they don't.

We then look over their books and try to spot check.

The CHAIRMAN. Mr. English, the primary purpose of that report which you hold in your hand, or that audit, is to determine whether the local union has been remitting to the international the proper amount of per capita dues or tax.

Mr. ENGLISH. Yes, sir.

The CHAIRMAN. That is correct?

Mr. ENGLISH. Yes, sir.

The CHAIRMAN. The one you hold in your hand now and which I presented to you does not go into nor reflect the propriety of transactions the union may have had, is that true?

Mr. ENGLISH. No.

The CHAIRMAN. I think that clears it up.

Mr. ENGLISH. On the back it shows here whatever business agent salaries they receive, how many business agents they have, how many they got working in the office, what their salaries are, and then that gives the report of how many per capita tax they bought for us and what they paid into the local union and what the local union paid in to them.

We call back tax. Down further on the right, you find we also check for money they have in the bank. Now when I check that up with my last report and my last auditor report and I think this is running true to form and the organization is going ahead and not backward and the receipts are more than the expenditures then I feel it is all right. Because the local union, they have bylaws of their own that can't conflict with the international union and if there is not any complaints I don't have any reason to think that they are not right.



The CHAIRMAN. I am just trying to clarify it so far as the audit that you get in the regular routine of your management and operation is an audit which primarily gives you information with respect to whether the local union has remitted to the international the proper per capita tax based upon the dues it receives.

Mr. ENGLISH. Yes, sir.

The CHAIRMAN. That is No. 1.

Mr. ENGLISH. Yes, sir.

The CHAIRMAN. The second thing, it does reflect the bank balance they have at the time and the third thing it reflects the salary paid officers.

Mr. ENGLISH. They get the bank balances, Senator, from the local union. Where they signed off the last time they audit the books. But I have the bank balance on the report so I can report my report with their report.

The CHAIRMAN. Yes, I understand. But this particular audit, this regular audit, is not designed and is not of such a nature as would disclose or reveal to you that there might be considerable money being expended improperly.

Mr. ENGLISH. No, sir; it does not.

The CHAIRMAN. It does not reveal that?

Mr. ENGLISH. It does not.

Mr. KENNEDY. You have no arrangements—

The CHAIRMAN. I think this copy may be made exhibit 24 just for reference so it will substantiate what Mr. English said.

(The document referred to was marked "Exhibit No. 24" for reference, and may be found in the files of the select committee.)

Mr. KENNEDY. You have no arrangements for a check on the locals?

Mr. ENGLISH. No, sir; unless we are notified that there is something wrong and a case may go to court. Then I will send a special auditor to make a thorough investigation.

The CHAIRMAN. Do you have the power now if you have any reason to doubt the propriety or the proper conduct of the union, a local's financial affairs, do you have the authority in your capacity as an international officer to order an audit of the local's books to determine whether there is misuse of union funds?

Mr. ENGLISH. Up to the last convention, Senator, I didn't have that but I promise you I have it now.

The CHAIRMAN. You didn't have it up until then?

Mr. ENGLISH. I did not.

The CHAIRMAN. You do have it now?

Mr. ENGLISH. I do have it now.

The CHAIRMAN. The Chair, from his own personal viewpoint, thinks that is quite an improvement.

Mr. ENGLISH. I will read this to you if you want me to but I can give it to you in just a few words.

The CHAIRMAN. You say you have it. Just refer to the section of it. It will be sufficient and we can look it up. There is no use to read all of it.

Mr. ENGLISH. Audit of books local union, section 11 (a), any organizer or officer of the international union may be delegated, instructed, and empowered by the general president or the general secretary-treasurer to audit or to employ



auditors to audit the books of any local or local union. Local union officers shall give the delegated auditor for examination all bills, receipts, vouchers and records, bond securities, or other evidence of ownership of property or investments of the local union whenever requested.

Any officer of a local union refusing to turn over the books, bills, vouchers, or records to the delegated officers shall be subject to discipline under provisions of article 18 and likewise shall be liable to expulsion by the general executive board. Any member refusing to show his dues book—

The CHAIRMAN. Mr. English, will you make available for the committee for its information, I will not make it an exhibit, a copy of your latest constitution? The staff tells me they do not have one. Thank you.

The Chair wishes to commend your union for taking that action. I think it is constructive and can be, if properly enforced and administered, very helpful toward preventing some things that have been disclosed in the course of investigation in this which this committee has conducted.

I say again I think as far as unions can go themselves to put their house in order and to achieve proper administration of union affairs, the further they can go the better it is.

Mr. ENGLISH. I think you will be interested, Senator, to know, too, that all the Teamsters' councils and conferences, everybody, I have full power now to step in.

The CHAIRMAN. I hope you don't have occasion to but if it arises I hope you will.

Mr. ENGLISH. Senator, things happen.

Mr. KENNEDY. Are you going to step in local 107?

Mr. ENGLISH. Yes, sir.

Mr. KENNEDY. You are.

Mr. ENGLISH. Yes.

Mr. KENNEDY. When do you think you will do that?

Mr. ENGLISH. Don't you think I have already stepped in?

Mr. KENNEDY. When, I didn't hear it.

Mr. ENGLISH. I have all the audits. I have copies of it. I will take care of local 107.

Mr. KENNEDY. You mean the audits that were conducted in 1955?

Mr. ENGLISH. Yes; and before that. We had auditors in there all the time.

Mr. KENNEDY. You had auditors. Did you know that these large amounts of money were being made out to cash and these large numbers of checks were being made to cash?

Mr. ENGLISH. I didn't know that at all. We didn't know that.

Mr. KENNEDY. Are you going to step in on this local?

Mr. ENGLISH. Oh, yes.

Mr. KENNEDY. What are you going to do?

Mr. ENGLISH. We know our business. We will take care of everything.

Mr. KENNEDY. I am sure that the Teamsters know their business. What are you going to do specifically in this local?

Mr. ENGLISH. I will send in an investigator and investigate the whole thing from top to bottom.

The CHAIRMAN. Will you have him start with the transcript of these hearings? I think that will give him a basis.

Mr. ENGLISH. Naturally we will go through the transcript.

The CHAIRMAN. Is there anything further?

MR. KENNEDY. That is what I wanted to find out.

The CHAIRMAN. Is there anything further? Thank you very much, Mr. English.

MR. WILLIAMS. Mr. Chairman, I turned over to Mr. Bellino this morning some original records and I would like the privilege of substituting photostats for those if I may have them.

The CHAIRMAN. You may have that privilege. The staff will return to you such original records as it may have that are not absolutely essential to the committee's proceedings.

(At this point, Senator Curtis withdrew from the hearing room.)

The CHAIRMAN. There was some attorney, I do not know his name—Mr. Carroll, are you here? Who is your associate in the firm? Von Moschisker?

MR. VON MOSCHISKER. Right here, sir.

The CHAIRMAN. Come around, please, sir.

This gentlemen is associated with Mr. Carroll in a law firm, is that correct?

MR. VON MOSCHISKER. I am the senior partner in the firm now.

The CHAIRMAN. I can hear you. What I am trying to get at is, you are the one who requested to make a statement?

MR. VON MOSCHISKER. That was I.

The CHAIRMAN. All right, sir.

The Chair is not going to swear you in. It is just a statement corroborating a view that you and your associate counsel hold with reference to the propriety of his present representation of certain witnesses who appear here.

Do you want to make a statement as a matter of your own opinion as to the propriety of it, and make a brief statement? You may do so.

MR. VON MOSCHISKER. My name is Michael Von Moschisker. I am now the senior partner of the firm of McBride, Von Moschisker, & Bradley.

I welcome this chance to spread on the record a statement—

The CHAIRMAN. Just a moment. If you want to spread on the record testimony, you will be sworn. I thought you just merely wanted to make a statement that you had conferred with your associate, your partner and came to the same conclusion he did.

After all it is just a matter of opinion. It is not evidence.

If you want a record of it, be sworn.

MR. VON MOSCHISKER. I will be stating a few facts.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

MR. VON MOSCHISKER. I do.

The CHAIRMAN. Be seated.

#### TESTIMONY OF MICHAEL VON MOSCHISKER

The CHAIRMAN. Now, will you identify yourself for the record officially.

MR. VON MOSCHISKER. I am Michael Von Moschisker presently senior partner of the firm of McBride, Von Moschisker, & Bradley.

I welcome this chance to state of record that before Mr. John Rogers Carroll came to Washington for these hearings and from time to time during these hearings, Mr. Carroll has conferred with me with

regard to the position he should take on what I will refer to as the alleged conflict-of-interest problem.

I am very proud and delighted to state that Mr. Carroll has adopted my view and has made it his view. The other partner in the firm, Mr. Raymond Bradley authorizes me to say that he joins in this statement, but won't need to ask the committee for any time.

Thank you.

The CHAIRMAN. All right, the statement's is cumulative to what Mr. Carroll stated before and I had taken his statement as factual and truthful.

Thank you very much.

The committee will stand in recess until 10:30 next Tuesday morning.

(Whereupon, at 4:10 p. m., the committee recessed to reconvene at 10:30 a. m., Tuesday, April 22, 1958.)

(Members of the committee present at the taking of the recess were: Senators McClellan and Mundt.)

# INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

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TUESDAY, APRIL 22, 1958

UNITED STATES SENATE,  
SELECT COMMITTEE ON IMPROPER ACTIVITIES  
IN THE LABOR OR MANAGEMENT FIELD,  
*Washington, D. C.*

The select committee met at 10:30 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in room 357, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator John F. Kennedy, Democrat, Massachusetts; Senator Barry Goldwater, Republican, Arizona; Senator Carl Curtis, Republican, Nebraska; Senator Sam J. Ervin, Jr., Democrat, North Carolina.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; John B. Flanagan, investigator; Leo C. Nulty, investigator; Herbert J. Rose, Jr., investigator; Ralph DeCarlo, investigator; Ruth Young Watt, chief clerk.

(At the convening of the session the following members are present: Senators McClellan, Goldwater, and Curtis.)

The CHAIRMAN. The committee will come to order. Mr. Kennedy, call your first witness.

Mr. KENNEDY. Mr. Chairman, we have already been into the events surrounding the election in 1954, and what occurred as far as the use of union funds and the beatings that occurred for the followers of Crumbock. Then we went into the phase about the use of union funds in connection with that election.

Then we went into Ray Cohen's finances and the misuse of union funds. Now we are going into a fourth phase, which deals with the relationships of employers with local 107.

The first witnesses that I would like to call are Mr. Lowther, who is executive vice president of Horn & Hardart Baking Co.; Daniel J. Hanlon, Jr., the chief counsel for that company; and Bernard M. Borish, who is the attorney for the company.

The CHAIRMAN. Do you wish to call all of them at once?

Mr. KENNEDY. Yes.

The CHAIRMAN. Come forward, gentlemen. Witnesses will be sworn, please.

Mr. BORISH. I assume the committee wants me to testify. This is Mr. Hanlon, I am Borish, and this is Mr. Lowther.

The CHAIRMAN. Each of you do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. BORISH. I do.

Mr. HANLON. I do.

Mr. LOWTHER. I do.

**TESTIMONY OF LEONARD W. LOWTHER, DANIEL J. HANLON, JR.,  
AND BERNARD M. BORISH**

The CHAIRMAN. Beginning on my left, please state your name, your place of residence, and your business or occupation.

Mr. HANLON. I am Daniel J. Hanlon, Jr., 75 Drexel Brook Drive, Drexel Hill, Pa. I am assistant to the president of the Horn & Hardart Baking Co., of Philadelphia.

Mr. BORISH. My name is Bernard M. Borish, 20 Levering Circle, Cynwyd, Pa. I am counsel for the Horn & Hardart Baking Co., of Wolf, Block, Schorr & Solis-Cohen.

Mr. LOWTHER. My name is Leonard W. Lowther. I live at 67 Broad Acres Road, Narberth, Pa. My position is executive vice president of Horn & Hardart Baking Co.

The CHAIRMAN. Are you, Mr. Borish, acting as counsel and also as witness?

Mr. BORISH. Yes, Mr. Chairman.

The CHAIRMAN. Where are you licensed to practice law?

Mr. BORISH. I am licensed to practice law in the Commonwealth of Pennsylvania, sir.

The CHAIRMAN. All right. Proceed, Mr. Counsel.

Mr. KENNEDY. Gentlemen, you had a strike, had some difficulties with locals 107, and 596 of the Teamsters starting in 1955 and going through 1956, is that correct?

Mr. BORISH. Mr. Kennedy, I would say on that, with regard to the use of the word "strike," we didn't regard that there was a strike.

Mr. KENNEDY. I know you didn't.

Mr. BORISH. It was an attempt to organize the employees of that company, I think would be the description.

Mr. KENNEDY. What I would like to do is have one of you explain how the difficulty or strike, or whatever you want to call it, came about in 1955.

Mr. LOWTHER. It started in this way: A few months previous to the time of the picket line, there were circulars, some circulars spread, through the plant, and posted on the bulletin boards.

Mr. KENNEDY. You were unorganized at the time, is that right?

Mr. LOWTHER. We weren't organized at the time and we are still not organized.

Mr. KENNEDY. This is in the spring of 1955?

Mr. LOWTHER. That is correct. Now, then, suddenly, on May 2, 1955, a complete picket line was thrown around our plant which, of course, stopped all deliveries from being made.

Mr. KENNEDY. What unions were involved at that time?

Mr. LOWTHER. The unions involved were No. 6 of the Bakers, 195 of the Butchers, 138 of the Restaurant and Waitress Employees, and 107 of the Teamsters.

Mr. KENNEDY. And a picket line was put around your place?

Mr. LOWTHER. Around the main commissary. And in addition to that, picket lines were established around or in front of many of our restaurants.



Mr. KENNEDY. What was the date of this? When did this occur?

Mr. LOWTHER. That occurred on the morning of May 2, 1955.

Mr. KENNEDY. Had you been approached prior to that time about signing a contract with one or any of these unions?

Mr. LOWTHER. We had never been approached by any of the unions as to the signing of a contract or any communication whatsoever.

Mr. KENNEDY. You never had any communication at all?

Mr. LOWTHER. Not one word.

Mr. KENNEDY. Did any representative of the union come to you and say that they had a majority of your employees signed up and that they wanted you to sign a contract?

Mr. LOWTHER. No, sir; they did not.

Mr. KENNEDY. Nobody came and approached you and discussed the matter at all?

Mr. LOWTHER. Not one single word.

Mr. KENNEDY. Just suddenly a picket line was put up in front of your place?

Mr. LOWTHER. Correct.

Mr. KENNEDY. What had been the bulletins they put out?

Mr. LOWTHER. I would say the standard leaflets they put out in an organizational campaign of "Join the union; better wages, more security," and wording along that line.

There was nothing very vicious. It was purely more or less of a selling idea, I think, to try to induce the employees to sign.

The CHAIRMAN. Nothing improper in that?

Mr. LOWTHER. No.

The CHAIRMAN. It was just advertising or putting out an appeal, and there was nothing wrong in that?

Mr. LOWTHER. Not a thing wrong.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. This involved your Philadelphia operation?

Mr. LOWTHER. The Philadelphia operation only, sir.

Senator CURTIS. About how many employees were involved, just as a rough estimate?

Mr. LOWTHER. We have 4,800 employees altogether.

Senator CURTIS. In the Philadelphia area?

Mr. LOWTHER. In the Philadelphia area. The people that actually walked off of their jobs to join the picket line on the morning of May 2 was something less than 100. Possibly between 95 and 100.

Senator CURTIS. And the employees involved were the people who were engaged in preparing your food and servicing?

Mr. LOWTHER. People that were involved were people not only preparing the food, but people that pack the food, ship the food, drive the trucks, and, as far as our restaurants and retails and concerned, not one single person left their job.

Senator CURTIS. I have just one more question, and then counsel may go on. I wasn't sure about this. At how many different locations in the city was the picket line put up?

Mr. LOWTHER. The picket line restaurantwise and retailwise was rather spasmodic. It might occur this morning and they would leave, come back at lunch, and they would leave again. We have 38 locations. Some of those locations never did have a picket line in front of them.

Senator GOLDWATER. I would like to clear up one thing. I understand the name of your company is the Horn & Hardart Baking Co.?

Mr. LOWTHER. That is correct.

Senator GOLDWATER. Is that a corporation?

Mr. LOWTHER. Yes, sir.

Senator GOLDWATER. Does that include the restaurants?

Mr. LOWTHER. It includes restaurants, retail shops, and the commissary.

Senator GOLDWATER. So it is not just a baking company, as the name implies?

Mr. LOWTHER. No; it includes everything.

Senator GOLDWATER. Thank you.

Mr. KENNEDY. How many out of your 4,800 employees were these unions attempting to sign up?

Mr. LOWTHER. I didn't quite understand the question.

Mr. KENNEDY. How many out of your 4,800 employees were these unions attempting to sign; all of them?

Mr. LOWTHER. In the commissary, especially, they were trying to sign the bakers, and, of course, the drivers, the butchers. But the restaurant union did not make quite as serious an attempt as the other three. Actually, there was no encouragement in the restaurants to try to even get anybody to sign to join a union.

Mr. KENNEDY. How many of your 4,800 employees would have been involved in the union drive?

Mr. LOWTHER. We wouldn't have the slightest idea, Mr. Kennedy.

Mr. KENNEDY. But you know that less than 100 of your employees went out on the picket line, is that right?

Mr. LOWTHER. Right.

Mr. KENNEDY. That is 100 out of the 4,800 that went out on the picket line?

Mr. LOWTHER. That is right.

Mr. KENNEDY. And during this period of time, you were never contacted by the union about signing a contract?

Mr. LOWTHER. Not one single word.

Mr. KENNEDY. And they never told you that they had a majority of the employees signed or signed up on cards or anything such as that?

Mr. LOWTHER. No, sir, not one single word did we hear.

Mr. KENNEDY. Was there ever an election held to determine whether the employees wanted to go out on strike?

Mr. LOWTHER. There was no mention of an election and no election was held.

Mr. KENNEDY. Just a picket line was put up in front of your place?

Mr. LOWTHER. That is right.

Mr. KENNEDY. That started on May 2. Did it continue then?

Mr. LOWTHER. It continued until May 5, 1956. I think May 5 is the date.

Mr. KENNEDY. During that whole period of time, you were not contacted by the union?

Mr. LOWTHER. Not one single word.

Mr. KENNEDY. That is, to sign any contract?

Mr. LOWTHER. No.

Mr. KENNEDY. And there was still no election held during that period of time?

Mr. LOWTHER. No, sir.

Mr. KENNEDY. Were you or your employees, or any of your properties, subjected to any violence during that period of time?

Mr. LOWTHER. During that period of time, there were many incidents, some more serious than others.

The CHAIRMAN. May I ask you 1 or 2 other questions before you go into the violence? You said no member or representative of either of the unions had contacted you before this picket line was put up?

Mr. LOWTHER. Before or after.

The CHAIRMAN. Before or after?

Mr. LOWTHER. Correct.

The CHAIRMAN. During the time that the picket line was maintained, they never did contact you?

Mr. LOWTHER. Correct.

The CHAIRMAN. Had any of your employees come to you and requested a union?

Mr. LOWTHER. No, sir.

The CHAIRMAN. Not even any of your employees?

Mr. LOWTHER. No, sir.

The CHAIRMAN. No one, no committee of your workers or anybody had been to you?

Mr. LOWTHER. Not a single word was mentioned as far as my employees or the unions or anyone as to whether they would like the union or whether they wouldn't.

The CHAIRMAN. We have a problem in this area that I think needs legislative attention: This organizational picketing, picketing without having secured at least a majority of the members of the employees expressing a desire and preference for a union. It seems to me there is entirely too much power today lodged in possibly a single labor leader to simply throw a picket line up around somebody's place of business, irrespective of whether the employees are interested, whether a majority of them want a union or not.

I think it is a serious trespass upon the rights of both management and the people who work when such practices are engaged in.

I have, therefore, introduced legislation to deal with this problem.

I am hopeful that Congress, in its wisdom, will decide that such practices are not only improper, but they ought to be prevented.

This seems to be one of the flagrant cases where they just decide to go out by force of a picket line to compel both the employer and employees to do something against their will.

I don't believe such force should be tolerated. I don't think it should be legal to do it that way. I do think when a majority of the people, the employees, want a union and express that preference, I think they should have it. I don't think management should be able to block it. But this arbitrary resort to force, and it is a form of force to put up a picket line, I think should be condemned. All right, Mr. Kennedy.

Senator GOLDWATER. Mr. Chairman, might I comment briefly on your statement. I think it is a very important statement. I am very happy that you have introduced the legislation that you have.

I think there is one other party that figures in these activities and in all these activities as relates to labor and management when they are not carrying on within the intent of the law, and that is the public.

I think the third party, the public, is as important to protect as the workingman or management. That has been the intent of the Taft-Hartley Act, for example, all the time that it has been in existence.

We have seen in these hearings the weaknesses of the Taft-Hartley Act as it pertains not only to the protection of the working man and management, but also to the protection of the public. I am hopeful that all workers keep in mind the fact that every time an organizational strike such as this goes on, the public probably suffers just as much as either management or labor.

The CHAIRMAN. I thank the Senator.

Proceed, Mr. Kennedy.

Mr. KENNEDY. After the picket line was in place in May of 1955, were you, your property, or your employees subjected to any violence?

Mr. LOWTHER. There was considerable violence. We had 2 or possibly 3 of our employees rather severely beaten on their way to the plant early in the morning. Some of our suppliers, their trucks were badly damaged by being hit with hammers, knocking the headlights out. Some of the farmers that were supplying us were attacked on their way home after leaving the plant. There was a great list of the minor incidents which we don't consider.

But I think of the major incidents there is something over the 100 where someone was either hurt or property was destroyed.

The CHAIRMAN. Can you tell us the representatives of which union particularly engaged in that violence?

Mr. LOWTHER. We have no way of knowing that.

The CHAIRMAN. I wondered whether it was the Teamsters. We have had some characters down here in the last few days that look like they are of that sort.

Mr. LOWTHER. If there is no objection, I would like to have Mr. Borish answer that question, because he attended to all the legal technicalities at that time.

The CHAIRMAN. All right.

Mr. BORISH. I would say this, Mr. Chairman: As you can understand, there was a constant series of legal proceedings going on all the time this was occurring, beginning with an attempt to get an injunction in the State court to restrain the violence and to enjoin the picketing; consisting also of criminal indictments which we obtained as a result of some of the incidents, and consisting also of proceedings in the Federal court in view of what we also regarded as unfair labor practices by way of a secondary boycott.

In many of those cases, where we had a problem of agency from the legal standpoint, ultimately the court found that the people involved under the circumstances were acting for local 107. We had that specifically decided in the court of appeals. Two of the people that I remember specifically in that case are John Zoroivchak and Bernard Brown. If I can consult my papers, Larry Thomas is another name. Arthur Brown is another name. Louis Bertucci is another name.

The CHAIRMAN. I thought maybe there was some way of definitely identifying the union that was responsible for the violence, though you might not name the individual.

Mr. BORISH. The situation that resulted, so that you can fully understand it, is that in effect a command post was established across from the commissary in a parking lot, and it was frequented by var-



ious people from time to time, including Mr. Cohen and Mr. Lapensohn, including the people that I have mentioned.

We would have, for example, involved in an incident of violence, an automobile which turned out to be registered to one of these people.

For example, I remember one number that I will never forget, 909 U-1 for example, a car that was registered to Bernard Brown that ultimately was discovered after an incident that occurred at one of the milk suppliers. There are a whole series of events that way, where ultimately the events that occurred were tied into people that had been seen across the street, either loitering or walking or doing various things at that place.

The CHAIRMAN. It pretty well demonstrated that these people who do that are very brave and courageous. I noticed last Sunday they hung a bunch of rags; brave people.

Proceed.

Senator GOLDWATER. Mr. Borish, you mentioned that you were attempting to get injunctions in the State court. Were you successful in getting them?

Mr. BORISH. Ultimately we did, sir.

Senator GOLDWATER. When did you start trying to get those injunctions?

Mr. BORISH. We began in the early part of May 1955, in a proceeding that was filed in the Court of Common Pleas No. 3, of Philadelphia County.

At the outset, the court attempted to settle the thing amicably, and that originally resulted in an agreement that the picketing would be confined, it would not be mass, it would be limited in time and number, et cetera, and that there would be no force and violence at all.

It happened, however, that at the very time that an agreement was being made, other incidents were occurring, so we had to come back to court.

After a hearing, where we produced a substantial amount of testimony, the court, on June 2, 1955, did enter a preliminary injunction in which it defined the nature of the picketing that could occur, and also, of course, enjoined any force and violence whatever.

Senator GOLDWATER. Was that effective?

Mr. BORISH. Not entirely. It was not effective because incidents of force and violence continued. As a matter of fact, it became necessary in September of 1955 to bring a specific proceeding against Bernard Brown and Louis Bertucci and 107 and the other individual defendants for contempt, violation of the court's decree resulting from another incident which had occurred involving these two individuals.

At the hearing on that application for contempt, Judge Milner summoned to the courtroom the police captain in charge of the district, all of the officials of local 107, and the two individuals that I have named.

I think it is fair to say in substance that he read the riot act to them. He instructed the police captain that these two individuals were thereafter barred from in any way participating in this campaign, and he warned them that if they appeared in the vicinity again they would be subjected to severe penalties.

The decree was read in court and the captain was instructed to take all steps to see that it was fully complied with.



Thereafter there were some continuing acts, but I would say the scope of the violence tended to diminish until ultimately, when we brought the matter on for final hearing in May of 1956, that resulted in a disposition of the entire case when the unions agreed to withdraw the picketing and no longer to engage in any secondary boycott activity against the company.

Senator GOLDWATER. Are you considered to be in interstate matters?

Mr. BORISH. Yes, we are.

Senator GOLDWATER. You come under the Federal law?

Mr. BORISH. There isn't any question about that, sir.

Senator GOLDWATER. In your experience with this strike, and your experience in attempting to get injunctions from local courts, do you feel that there are changes needed in the Taft-Hartley Act to facilitate the handling of interstate strikes or interstate company strikes when they get into the field of violence?

Mr. BORISH. I do, sir. I would like to, I think, supplement what the chairman has already mentioned.

I think a great deal of difficulty arises from the fact that in defining what are unfair labor practices you get into areas of conduct which are frequently involved by way of force and violence, which would normally be within the courts' jurisdiction statewide or locally.

Under the conditions which have evolved from the Garner case, which I am sure you are familiar with, if the conduct involved appears to be the kind that Congress declared shall be within the Federal scope exclusively, you get local courts which are reluctant to act.

Unfortunately, the Federal process takes, of course, a great deal of time. You can't get it with the expedition that you can get perhaps a preliminary injunction upon proper proof in a local court.

I would say that a clarification of that area would be very helpful, because in a situation of this kind, it leaves the employer sort of in the middle, wondering where he can go to get prompt relief quickly.

Senator GOLDWATER. Would you think that an amendment giving the State the right to control striking, picketing, boycotts, et cetera, would be a proper amendment to the labor-management act?

Mr. BORISH. I would think anything that would not prevent a State court from exercising jurisdiction in the proper case, where there had been a clear showing of force and violence and all that goes with it, that would remove any inhibition from the State courts acting by way of feeling that they would otherwise be interfering with an orderly Federal procedure, would be helpful.

You see, this is a defense that is always raised in this particular type of case.

Senator GOLDWATER. I realize that, and it goes on in every State, because of the absence of language in our law, language that has been asked, I believe, three times by the Supreme Court.

Do you think it would be helpful at the local level for the Federal Government to define peaceful picketing?

Mr. BORISH. I think it would. I think it would.

Senator GOLDWATER. I mention that because the court has also asked for definitive language in that field, and it is a field that nobody can define.

That is all I have, Mr. Chairman, thank you.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. In reference to who committed the violence, judging from what has been said here and the names that you mentioned, it appears that the Teamsters Union no doubt were the principal offenders in this violence.

But the question is: Is it true that this whole activity, not the violence but the whole campaign, was carried on in behalf of all of the unions involved?

Mr. BORISH. It appeared to be a joint effort, sir. I would say that; yes.

Senator CURTIS. Did any of these other unions, the Bakers Union, the Waiters Union, and so on, those that you mentioned, did any of them at any point repudiate the violence?

Mr. BORISH. Not that we know. We would have no way of finding out.

Senator CURTIS. When this violence continued, they still continued on in their joint efforts?

Mr. HANLON. Could I answer that?

Senator CURTIS. Yes.

Mr. HANLON. To the best of our knowledge, they did. The reason I say it is because the picket signs for the four locals, local 107, local 6, local 138, and local 195, still continued to appear on the pickets around the commissary and in certain instances around the restaurants.

Senator CURTIS. Would you identify those numbers of locals, what unions they are?

Mr. HANLON. Local 107 is the Teamsters Union. Local 6 is the Bakers and Confectionery Workers Union. Local 195 is the Meat Cutters and Butchers Union. Local 138 is the Restaurant Union.

Senator CURTIS. And the fact that somebody, probably the Teamsters, resorted to all this violence, there was no evidence that the others were repudiating it or not ready to gain by whatever benefits that might come?

Mr. HANLON. It was never brought to our attention, sir, if it was.

Senator CURTIS. In other words, had the company yielded to the violence or to the demands of those committing violence, all the unions would have, from their point of view, benefited from it, is that right?

Mr. HANLON. I would assume that was their thought, sir.

Senator CURTIS. Yes. I certainly couldn't choose language strong enough to condemn those who committed the violence. But I think it is also true that those who condone it and who stand to benefit by such action are equally as guilty. It is just as wrong for a person to have somebody else commit violence in their behalf as to actually do it.

Were there any attacks upon the police, any roughing up of the police?

Mr. HANLON. To the best of my knowledge, there were no attacks on the police.

Senator CURTIS. Do you feel that you had the full cooperation from your local police?

Mr. LOWTHER. We had considerable police protection. In our thought, the police protection was not adequate, it being thought and said by the police department, that they were assigning as many people, as many policemen on motorcycles and foot patrolmen as they could spare from the regular police duties.

We did not think generally it was adequate, and I think the record of some of these incidents prove that out.

Mr. HANLON. Sir, if I may make an additional comment, like Mr. Lowther says, I think it true proof of the adequacy of the police protection was the fact that as much as was given, these acts of violence still continued to take place, and certain individuals responsible were not apprehended.

Senator CURTIS. Was there any philosophy expressed by any of "Oh, well, this is a labor dispute, and we don't get into that"?

Mr. LOWTHER. No. We never heard a word of that kind expressed by anyone.

Senator CURTIS. I would like to ask Mr. Borish a question.

Suppose business organization, competitors or others, had attempted to carry on with a picket line and committed such violence to bring your company to its terms or to stop operations, you would have other remedies that you could not apply in this case, is that correct?

Mr. BORISH. Yes.

Senator CURTIS. And they probably would have been adequate?

Mr. BORISH. Yes.

Senator CURTIS. That is all.

Mr. KENNEDY. On the question of the police, the police that they could assign did a very adequate job, as I understand.

Mr. LOWTHER. That is correct. It was a shortage of police more than the ability of the policemen that were assigned to the job.

Senator CURTIS. They were very conscientious, the ones that were there?

Mr. HANLON. Yes.

Mr. KENNEDY. I didn't want to leave an inference in the record—

Mr. HANLON. Let me make this comment, Mr. Kennedy on that.

The police were assigned from the beginning, in May of 1955, when it started, the police were assigned around the commissary.

In addition, police protection was assigned to escort trucks of supplies into our commissary and out of our commissary.

In addition, at a later date, in May or June of 1955, when certain acts of violence occurred to certain of our own trucks which delivered to our restaurants and so forth, which up to that time did not have police protection, the police then assigned police escorts for these particular trucks.

I would say, in regard to all of this police protection I just enumerated, these acts of violence and so forth usually took place when the police escorts were not available.

There were certain times where certain of our trucks, because of the physical nature of the deliveries and the set up of our stores, had to go to the stores and come back from stores unescorted.

The same thing with suppliers' trucks. It was usually at a time when all of these trucks were unescorted that the violence took place.

Mr. BORISH. I think to reply directly to what you just said, I think we ought to say that the policemen actually assigned did their work conscientiously. There is no complaint against that.

Mr. KENNEDY. And those that were assigned evidently included everybody that was available.

Mr. BORISH. Well, that is what was said. That is right.

Mr. KENNEDY. They had responsibilities in other sections. The reason I brought that out was because in our earlier conversations you had stated that you had been satisfied with their efforts. I wanted to be sure there was no question left in the record on that.

Would you give us a few examples of the types of violence that occurred?

Mr. HANLON. Yes. I have here, Mr. Kennedy, a list of the various incidents I prepared at the request of various representatives of the committee, and the list is prepared along the lines—I will read the captions, to give everyone the nature of the types of incidents involved.

Mr. KENNEDY. How many are there?

Mr. HANLON. The general category is:

A list of incidents involving assault and battery and damage to property against and of the Horn & Hardart Baking Co., its employees, customers, and property, and its suppliers and carriers, and their agents, employees, and property, from May 2, 1955.

I did not include in this particular list any threats and vulgarity, and so forth, which would go on into the night. It was along those lines. But in the particular incidents, in this particular incident, in this particular category of assault and battery and damage to property, there is approximately about 120 or 125 individual incidents.

Senator CURTIS. Do you have a list of those?

Mr. HANLON. Yes, sir.

Senator CURTIS. How long is that?

Mr. HANLON. I have a list with factual details of the incidents. The list is 14 pages long.

Senator CURTIS. You don't have a list just enumerating them without the explanation?

Mr. HANLON. I don't understand.

Senator CURTIS. What I am thinking of is I would like to have something go into the record, but I don't know whether I want to ask for 14 pages to go into the record.

In the other company investigations they have merely listed them and what it was and the date and the victims.

Mr. BORISH. Senator, can I suggest to you that we have marked on this list perhaps a dozen which we feel to be of special significance, if you would want Mr. Hanlon to comment on those.

Senator CURTIS. Here is what I would like him to do to give us a summary in 2 or 3 pages of this. If there is no objection, we could have it inserted into the record at this point in tabulation.

Mr. HANLON. If I could make a comment on that, Senator I tried in this particular list to give as little detail as possible and still be factual so I could give a proper explanation of what actually happened. I would think I could possibly put it into lesser pages, but it might lose the flavor in so doing.

Senator CURTIS. I will withdraw the request at this time. We will see what develops in the course of the hearing.

Mr. KENNEDY. Just give 3 or 4 examples.

Mr. HANLON. One which I have marked No. 32 on the particular list, this took place on Tuesday, June 2, 1955, commissary fire. About 2:50 a. m., an attempt was made to set fire to eight of our trucks while they were parked in the bays at our commissary on 10th Street between Locust and Chancellor Streets. But for the discovery of the



fire, this attempt at arson might have endangered the lives of countless people and caused tremendous property damage. Seven jugs of inflammable liquid were found in the cabs of the trucks and two similar jugs were found in an alley across the street.

Three of the trucks were actually on fire at the time the fire was discovered.

Another one which is sort of a joint number is on Friday, July 8, 1955, marked Nos. 50 and 51.

About 4 p. m., John Villecco, a Horn & Hardart employee, was parked on the north side of Locust Street, waiting to back his truck into our commissary. While parked at this location, one of the pickets came over to his truck and told him that if he backed the truck in it would be blown up or burned by Monday.

(At this point, Senator Ervin entered the hearing room.)

Mr. HANLON. Villecco backed the truck into our commissary, and after unloading, and upon leaving, around 7 p. m., he was followed to New Jersey by a car, and then the following Monday, which was Monday, July 11, 1955, between 4 a. m. and 6 a. m., two trucks under lease to the Horn & Hardart Baking Co. and owned by John and Joseph Villecco, our employees, were set on fire and destroyed while parked on their father's farm near Morristown, N. J.

Senator CURTIS. Were there ever any arrests in connection with those offenses?

Mr. HANLON. Now, on those two particular offenses I mentioned, there were no arrests in regard to these two.

Senator CURTIS. They never found out who the individuals were?

Mr. HANLON. No, sir; to our knowledge they didn't.

(At this point Senator Goldwater withdrew from the hearing room.)

The CHAIRMAN. What union was this picketing, do you know, which made the threat?

Mr. HANLON. Offhand, I don't know, sir.

(At this point, Senator Ervin withdrew from the hearing room.)

Mr. HANLON. I am trying now to pick one out in regard to where there were indictments which actually resulted.

This one is marked "No. 78" on the list. It is dated Saturday, August 27, 1955. Horn & Hardart employees. About 1:15 p. m. Louis Bertucci, who was identified by Mr. Borish, and 5 other unidentified persons assaulted 2 of our employees, Ernest Barnes and Alvin Beeker, the driver and helper on our truck No. 37, on Locust Street, east of Ninth Street. A piece of concrete was thrown and struck the body of the truck, just by the door on the helper's side.

In addition, after the truck stopped, Bertucci jumped on the running board and grabbed Barnes by the forearm and attempted to pull him from the truck.

About 3 p. m. on the same day, Louis Bertucci and Bernard Brown, identified by Mr. Borish here, followed our truck No. 23 in a car on Market Street, from Juniper to 10th Street and at 10th Street, Bertucci threw a tire iron.

The tire iron struck the door of the truck just below the window on the helper's side, leaving a dent. Edward Farise was the driver of our truck and Frank Wilson was his helper. The above are two of the incidents for which Louis Bertucci and Bernard Brown were arrested and indicted by the grand jury.



Mr. KENNEDY. When were they indicted?

Mr. HANLON. Mr. Borish has the records on that.

Mr. BORISH. I am looking at the transcript of the docket of the court of sessions, before Byron A. Milner, judge of the Court of Common Pleas, No. 3. This is dated September 12, 1955. One is entitled Commonwealth versus Louis Bertucci and Bernard Brown, also known as Bernie Brown, and the other is Commonwealth versus Louis Bertucci. In both the defendants were charged with assault and battery. After full hearing and investigation the court, sitting as a committing magistrate, being satisfied that the prosecution is reasonably well founded and that a prima facie case has been made out, bound the defendants over to the court of quarter sessions.

Mr. KENNEDY. When?

Mr. BORISH. This was done September 12, 1955.

Mr. KENNEDY. They haven't been tried up until this time?

Mr. BORISH. I understand that yesterday for, I guess the 10th or 11th time, this case was up, but it was continued yesterday, because I understand Al Brown is under subpena by this committee now.

He was not present.

Mr. KENNEDY. This is the 10th or 11th time?

Mr. BORISH. That is my impression. It has been a number of times.

Mr. KENNEDY. How many people have been indicted out of the violence that took place in this strike?

Mr. HANLON. Mr. Borish has all the records and everything, but I think I can name them from memory.

Mr. KENNEDY. Just tell me how many.

Mr. HANLON. The best way to tell you is—Arthur Brown, Bernard Brown, Louis Bertucci, John Zoroivchak, Larry Thomas, and there may have been one other. Actually, Bernard Brown and Bertucci were—Bernard Brown was indicted on a couple of separate incidents.

Mr. KENNEDY. Have any of them been tried yet?

Mr. BORISH. None of these have been tried yet, so far as I know.

Mr. KENNEDY. Do you know the reason why they have not been tried?

Mr. BORISH. Well, I can only tell you what happens. At various times it has been because counsel has been engaged in other matters. In substance, I think that is the reason that has been offered.

Mr. KENNEDY. Do you mean the counsel for these individuals?

Mr. BORISH. That is right.

Senator CURTIS. They made application to the court for a continuance on the ground that counsel was engaged in other matters?

Mr. BORISH. Each time, of course, it comes before a judge, when it is on a list, and an application is made for a continuance, and the court then either grants it or reduces it.

That is what has happened in this particular series of cases.

Senator CURTIS. Does the series of cases come before several judges?

Mr. BORISH. It will be a different judge each time, you see. Sometimes, as a matter of fact, it wouldn't even be a Philadelphia judge. It may be a judge who comes in from upstate, who is especially assigned. But whoever happens to be the judge sitting in the criminal session at that time, who would normally try the case, of course, at the outset, will call the list and hear any applications.

Senator CURTIS. Have these applications been resisted by the prosecutor?

Mr. BORISH. On, I would say, at least 5 or 6 of the occasions, 1 of my associates has been present and has objected to the continuance.

Senator CURTIS. One of your associates?

Mr. BORISH. That is right.

Senator CURTIS. Do they have private prosecutors in Pennsylvania, or are they public prosecutors?

Mr. BORISH. Well, the prosecuting witness, of course, whoever executes the affidavit upon which——

Senator CURTIS. I'm talking about the attorney.

Mr. BORISH. I don't understand.

Senator CURTIS. Who tries the case?

Mr. BORISH. The district attorney.

Senator CURTIS. When I said prosecutor, I meant the district attorney.

Mr. BORISH. I misunderstood.

Senator CURTIS. Has the district attorney resisted these continuances?

Mr. BORISH. I am hesitating to answer, because I am not really sure. I don't know. I was never present personally at any of these. It was always one of my associates who would attend. At this point, I just don't recall what the position would be there.

Mr. KENNEDY. But at least this strike has been over almost 2 years and there has been nobody tried during that period of time, so all of these indictments are at least a couple of years old, are they not?

Mr. BORISH. They all date from September 1955.

Mr. KENNEDY. Almost 3 years old. None of them have been tried in this time?

Mr. BORISH. None of these which I read to you this morning have been tried, so far as I know.

Mr. KENNEDY. Do you know what local 107's interest in this matter was?

How many employees were eligible to join local 107? Or how many would have been in that unit that would have gone into the local?

Mr. LOWTHER. They have on the platforms about 65 drivers, 15 helpers, 47 or 48 platform workers, plus a few elevator operators, plus a few wrappers and packers. I am not sure of the number. But actually drivers and helpers—there are 65 drivers, there are 12 helpers, and about 50 platform workers. The others are borderline cases as to whether they would be elevator operators or some other union.

Mr. KENNEDY. Would that be about 150 employees?

Mr. LOWTHER. In that neighborhood, yes.

Mr. KENNEDY. Did they play a very prominent role, the officials of local 107, in this strike?

Mr. LOWTHER. Yes, they did.

Mr. KENNEDY. Did the direction for the strike seem to be coming from 107?

Mr. LOWTHER. As a general rule, it seemed to originate with 107.

Mr. KENNEDY. Do you know who financed the strike?

Mr. LOWTHER. I don't have the slightest idea.

Mr. KENNEDY. We have gone through the books and records of 107, Mr. Chairman, so we know how much money they charged for organizational expenses on the Horn & Hardart strike.

Can we put Mr. Nulty on to testify to that?

The CHAIRMAN. Come forward, Mr. Nulty.

Mr. Nulty, have you been sworn?

Mr. NULTY. No.

The CHAIRMAN. Do you solemnly swear the testimony you shall give before the select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NULTY. I do.

### TESTIMONY OF LEO C. NULTY

The CHAIRMAN. State your name, your place of residence, and your present occupation.

Mr. NULTY. My name is Leo C. Nulty. I live at 860 Monticello Drive, Falls Church, Va. I am investigator for this committee.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. You have been with the Senate Subcommittee on Investigations?

Mr. NULTY. Prior to this; yes, sir.

Mr. KENNEDY. And you were with the FBI prior to that?

Mr. NULTY. Yes, sir.

Mr. KENNEDY. For how many years?

Mr. NULTY. Nearly 14 years.

Mr. KENNEDY. Mr. Nulty, you or someone under your direction has gone through the books of local 107 to determine how much 107 charged to the organizational drive for the Horn & Hardart strike; is that right?

Mr. NULTY. That is correct.

Mr. KENNEDY. These checks, once again, are the checks to cash, so there is no way to determine, other than the way they mark it on the books.

But based on how it is marked on the books, and recorded on the books and records of local 107, how much money was spent in connection with the organizational drive by local 107?

Mr. NULTY. The sums that we could positively tie up to the Horn & Hardart strike, being carried as organizing expenses, total \$60,628.

Mr. KENNEDY. \$60,628?

Mr. NULTY. That is between May of 1955 and May of 1956.

The CHAIRMAN. Could I ask the witness a question? How long did the pickets continue to maintain the line?

Mr. LOWTHER. The pickets maintained the line 24 hours a day, 7 days a week. I am speaking now of the commissary—

The CHAIRMAN. You mean from the time they began?

Mr. LOWTHER. From the time they began until the 5th of May 1956.

The CHAIRMAN. I beg your pardon?

Mr. LOWTHER. Until May 5, 1956, one complete year.

The CHAIRMAN. One year?

Mr. LOWTHER. Yes.

Senator CURTIS. Mr. Nulty, do you know how much money the other unions put into this campaign against Horn & Hardart?

Mr. NULTY. I don't have the figure here, but it was what we considered a nominal sum, a few thousand. Most of the other unions pulled out of the active picketing within a very few months of the strike.

The CHAIRMAN. Can you verify that? Do you know that at the last picketing, or that after the picketing had been going on for some time, no pickets participated except from the Teamsters Union? Can you verify that?

Mr. LOWTHER. We cannot verify that. I think at some period, maybe not all day, but at some period, there was at least some man or girl carrying a picket line. It could be No. 6, it could be 195, it could be 107, or even 138.

Mr. HANLON. If you would like some elaboration on that, sir, I can answer it in sort of detail. Actually, from the beginning, the whole four unions carried their signs which appeared on an around-the-clock basis. As the organizational effort progressed, 107 maintained its picketing on an around-the-clock basis, 24 hours a day. The other unions, 138 and so forth, and 195, and 6, picketed, usually on Warnock Street, which is a street which intersects Locust Street, the main street around our commissary. They usually picketed there around the business hours, up to 4 o'clock or so, and after that they didn't picket any longer.

But actually, to my recollection, 195 and 138 may have dropped out on a picket-sign basis prior to the end of things in May of 1956. My recollection is that local 6 and local 107 continued to picket right up to the end, with local 6 probably only picketing during the busy hours, up to about 4 or 5 o'clock.

**TESTIMONY OF LEONARD W. LOWTHER, DANIEL J. HANLON, JR.,  
AND BERNARD M. BORISH—Resumed**

Mr. KENNEDY. How much damage was done to your company during this period of time?

Mr. LOWTHER. Do you mean the financial damage, Mr. Kennedy?

Mr. KENNEDY. Yes. Approximately.

Mr. LOWTHER. The moneys that were spent by the Horn & Hardart Baking Co. for what we classified as extraordinary expenses, except expenses beyond our normal operation, amounted to approximately \$400,000.

The CHAIRMAN. Was that primarily for damage to property?

Mr. LOWTHER. No, Senator. It is payment of extra services to enable us to get our materials in and manufacture them and get them out.

The CHAIRMAN. That is the overall damage insofar as extraordinary expenses you had to incur?

Mr. LOWTHER. That is right.

The CHAIRMAN. Can you break down how much of that was related to damage to property; that is, damage to your trucks and so forth?

Mr. LOWTHER. The damage to property? I think Mr. Hanlon is better qualified.

Mr. HANLON. On that, as a general statement, sir, actually we had, as I recall, we had on one day five of our trucks which were stoned with rocks and so forth, and the damage to that was only the amount of money that would be involved to replace broken windows and windshields and so forth.

Then, in addition to that, this particular incident referred to, the burning of these two trucks, which were under lease to Horn & Hardart



Baking Co., which under our insurance liability gave us the responsibility, that amounted to something in excess, as I recall, of \$6,000 or \$7,000.

Mr. KENNEDY. Just give us a figure for the year.

Mr. HANLON. Offhand, I would say actual damage to property of the Horn & Hardart Baking Co., it probably amounted to around \$8,000 or \$9,000.

Mr. KENNEDY. During this period of time, as I understand it, you were never approached by the unions to sign a contract?

Mr. LOWTHER. We weren't approached. We received no communication whatsoever.

Mr. KENNEDY. And your employees did not vote to go out on strike?

Mr. LOWTHER. There was no vote taken.

Mr. KENNEDY. And the union did not even approach you to say that they had the employees signed up during this whole period of time?

Mr. LOWTHER. They never said a word.

Mr. KENNEDY. Were you approached by anybody, directly or indirectly, that the strike could be settled for a payment of any sum of money?

Mr. HANLON. I received a contact, yes, sir.

Mr. KENNEDY. From whom did you receive the contact, and what was said to you?

Mr. HANLON. Sometime in the summer of 1955, I would say it was probably in June or July, or maybe August—it was sometime in the summer of 1955—I received a phone call from a Mr. Joseph Freedman, who is one of our suppliers of long standing from a company called McCray & Hunter. He is the owner, in conjunction with his son, Paul Freedman.

Mr. KENNEDY. That is Solomon Joseph Freedman?

Mr. HANLON. I knew him as Joseph Freedman.

Mr. KENNEDY. F-r-e-e-d-m-a-n?

Mr. HANLON. That is right, sir.

Mr. KENNEDY. And he had been supplying you?

Mr. HANLON. I think somewhere for around or in excess of 25 years.

Mr. KENNEDY. It is a retail produce business?

Mr. HANLON. Yes, sir, a retail produce business.

Mr. Freedman told me, he said he had a contact from a person identified as Shorty Feldman, an official of a union he identified as local 929, which I understand Mr. Freedman to say he has some union affiliation with.

Mr. KENNEDY. That is a Teamsters local, Local 929 of the Produce, Poultry, and Oystermen Drivers and Helpers of the Teamsters?

Mr. HANLON. Mr. Freedman said that he had had this contact from Mr. Feldman, and that Mr. Feldman had told Mr. Freedman that Horn & Hardart could settle the whole matter for \$50,000.

Mr. KENNEDY. Did he say in that conversation how it was going to be settled?

Mr. HANLON. I must say I cut Mr. Freedman off so rapidly that he didn't even have an opportunity or he never even suggested going into any of the details of the proposition.

Mr. KENNEDY. Did he tell you who Shorty Feldman was, other than the fact that he was an official of this other local?

Mr. HANLON. The only way he identified him to me was Shorty Feldman, an official of local 929.



Mr. KENNEDY. He didn't mention any Shorty Feldman or who he contacts?

Mr. HANLON. No, he did not.

Mr. KENNEDY. He just said he was an official?

Mr. HANLON. He identified him as an official of 929.

Mr. KENNEDY. Did he ask you at that time to pass this information on?

Mr. HANLON. No, he did not. When Mr. Freedman told me of this proposition, I told him very emphatically that Horn & Hardart, as he well knew, was not interested in any proposition of that nature.

Mr. KENNEDY. So you didn't pay the \$50,000?

Mr. HANLON. We sure didn't.

Mr. KENNEDY. And the strike went on, the trouble went on?

Mr. HANLON. The organizational effort, sir.

Mr. KENNEDY. That is all for now.

The CHAIRMAN. I would like to ascertain, if I can, whether the pickets who actually served on the picket line were employees of your company.

Mr. HANLON. I think I can answer that, sir. I would say most of the pickets on the picket line were employees of our company.

There were incidents or occasions when there were pickets on the picket line other than employees of our company.

The CHAIRMAN. Those that continued on until the end of the year when the picketing terminated, were they employees?

Mr. HANLON. I will put it this way, sir: Toward the end, the ones who continued to picket were employees of our company.

The CHAIRMAN. Did they ever return to work for the company, any of these pickets?

Mr. HANLON. Yes, some of them did, sir. Mr. Borish has the details of that, sir.

The CHAIRMAN. You said between 95 and 100, I believe. How many of them finally returned to work?

Mr. HANLON. Approximately 50 and 55, sir.

On that point, I would also like to make a point that at some time subsequent to May, at various times, there were some of this group of between 90 and 95 employees, some of them that actually came back voluntarily, and unsolicited, even before the thing was over.

Mr. BORISH. Mr. Chairman, I think in order to make that complete, you might want to know for the record how this organizing drive finally terminated.

The CHAIRMAN. All right. How did it terminate?

Mr. BORISH. During the course of the hearing for a permanent injunction, which was brought on before the court in May of 1956, as a result of discussions which were initiated by the court, Judge Milner, who had indicated that no progress was being made, and that this ought to be stopped, and it ought not to be necessary to go to a final hearing, that discussion resulted in a stipulation of counsel withdrawing the proceeding, and a separate understanding among counsel which was reduced to writing, the essential provision of which was that the unions agreed forthwith to terminate all picketing activities at any of the company's premises.

They agreed not in any way to engage or encourage others to engage in boycott activity. The company agreed to take back those people who indicated a desire to come back, and who met the health regulations

of the city of Philadelphia, with the provision that the reinstated employees would receive no back pay but would be restored to positions of equal dignity insofar as it was possible to do so.

The CHAIRMAN. In other words, they would retain their seniority rights?

Mr. BORISH. That is right, but they received no back pay.

The CHAIRMAN. When that agreement was entered into under the auspices of the court, at least, if not an official decree, when that agreement was entered into, the case was dismissed by stipulation?

Mr. BORISH. Yes, sir.

The CHAIRMAN. And the picketing ceased, the organizational effort in that respect, at least, ceased?

Mr. BORISH. That is right.

The CHAIRMAN. All right.

Senator CURTIS. Who were the parties to that agreement?

Mr. BORISH. The stipulation of counsel, which records the agreement, was signed by our firm, Wolf, Block, Schorr, & Solis-Cohen, as attorneys for the plaintiff. It was signed by Mr. McBride, for McBride, Von Moschzisker & Bradley, for local 107. It was signed by Mr. Herbert Syme, now deceased, who was then attorney for defendant local No. 6.

Senator CURTIS. Local No. 6, identify what union that is.

Mr. HANLON. Bakers and Confectionary Workers.

Mr. BORISH. I, Herman Stern, attorney for defendant local 138, which is the Hotel and Restaurant Employees Union, and, finally, Edward Davis, as attorney for defendant local No. 195, which is the Amalgamated Meat Cutters and Butcher Workers of North America, and it is terminated approved this 3d day of May 1956, by the court, Byron A. Milner, judge.

Senator CURTIS. Somewhere in this proceeding, this contest, there was some part attributed to the Teamsters 596. Was that Teamsters Union under trusteeship, and was Mr. Cohen the trustee during this time?

Mr. LOWTHER. We don't know.

Mr. BORISH. I don't think we know, sir. None of us have that information.

Senator CURTIS. Does the staff know if that is true?

Mr. KENNEDY. That is correct.

That was during part of the strike.

The CHAIRMAN. Is there anything further?

If not, gentlemen, thank you very much.

Mr. KENNEDY. Mr. Freedman.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FREEDMAN. I do.

### TESTIMONY OF SOLOMON JOSEPH FREEDMAN

The CHAIRMAN. Mr. Freedman, state your name, your place of residence, and your business or occupation.

Mr. FREEDMAN. Solomon Joseph Freedman. I reside at the Presidential Apartments, City Line, Monument Avenue, Philadelphia, Pa.

I am the senior partner of McCray & Hunter, in Philadelphia, food purveyors. Food purveyors and supermarkets in Philadelphia.

The CHAIRMAN. Do you waive counsel?

Mr. FREEDMAN. Yes, I do.

The CHAIRMAN. All right, Mr. Kennedy.

Mr. KENNEDY. Mr. Freedman, you are here under subpoena, are you not?

Mr. FREEDMAN. That is right.

Mr. KENNEDY. The subpoena was served on you, and you are responding to that, is that correct?

Mr. FREEDMAN. That is true.

Mr. KENNEDY. You have been supplying Horn & Hardart for many years?

Mr. FREEDMAN. For the past 20 years or better.

Mr. KENNEDY. You have trucks of your own, do you?

Mr. FREEDMAN. That is right.

Mr. KENNEDY. And what is it that you supply them with?

Mr. FREEDMAN. We supply them materially—primarily with fruits and vegetables, fresh fruit and vegetables.

Mr. KENNEDY. Do you have a contract, or have you had a contract, yourself, with the Teamsters Union?

Mr. FREEDMAN. I didn't have a contract with the union up until about 2 years ago.

Mr. KENNEDY. How many years?

Mr. FREEDMAN. About 2 years ago.

Mr. KENNEDY. When was this, that you got the contract?

Mr. FREEDMAN. Well, it wasn't a decision of myself or employees. Not that I objected to any contract with the unions, but my employees never requested to be organized. But from time to time I was pressured by the local to sign a contract.

Mr. KENNEDY. Which local was this?

Mr. FREEDMAN. 929.

Mr. KENNEDY. That is of the Teamsters?

Mr. FREEDMAN. Yes.

Mr. KENNEDY. How were you pressured?

Mr. FREEDMAN. Well, they told me, the president of the local—

Mr. KENNEDY. What is his name?

Mr. FREEDMAN. Morris Schurr.

He told me that he was being pressured by local 107, that if he doesn't sign me up, they will. At one time we were tied up for deliveries of merchandise at the Pennsylvania terminal. I asked him what for, and, of course, it was a time before I could get in contact with the officials. We didn't have any supplies that day. They told me that it was for nonpayment of one of our members. At that time, we only had about 2 or 3 members with local 929 without a contract. We couldn't get supplies unless they were members. They would not deliver any merchandise to our trucks unless they had a union card or book.

Mr. KENNEDY. What do you mean by "they?"

Mr. FREEDMAN. The drivers.

Mr. KENNEDY. Your drivers?

Mr. FREEDMAN. Our drivers had to be union men in order to get deliveries.

Mr. KENNEDY. Who did he say had to pay their dues up?

Mr. FREEDMAN. Major Richards.

Mr. KENNEDY. Was he a driver of yours?

Mr. FREEDMAN. He was one of our drivers.

Mr. KENNEDY. And they said he hadn't paid his dues up?

Mr. FREEDMAN. He was in arrears \$180.

Mr. KENNEDY. So all of your trucks would be tied up?

Mr. FREEDMAN. All of our trucks and we couldn't get public carriers to haul our stuff. They said, "You are tied up, and we can't haul your stuff."

Mr. KENNEDY. How many employees do you have?

Mr. FREEDMAN. We have approximately 60 employees.

Mr. KENNEDY. Had they indicated by vote or otherwise, that they wanted to go into the teamsters?

Mr. FREEDMAN. They never wanted to join the union.

Mr. KENNEDY. It was just a question of the representative of local 929 coming to you and saying that you better join up?

Mr. FREEDMAN. Well, we had these 2 or 3 drivers at the time—it was 1 helper and 2 drivers—that belonged to local 929, by persuasion and intimidation. That is, they couldn't get into the terminal to get deliveries unless they would belong to it. We had no alternative and neither did they.

In fact, this Major Richards was in arrears approximately \$400 when he took employment with us.

In order to get him in, we had to promise that we would pay back, that is, he would have to double up his dues in order to catch up with what he was in arrears. They wouldn't let him join as a new member, which was at that time only \$25 initiation.

Mr. KENNEDY. So was this economic pressure that was placed on you, rather than the wish or will of your employees, which ultimately led to your signing a contract?

Mr. FREEDMAN. That is right, yes. And at a later time——

Mr. KENNEDY. The employees were actually not consulted as to whether they wanted to join the union?

Mr. FREEDMAN. No. In fact, local 1357, I think it is, they had their agents come into our place of business, soliciting some of our employees to becoming organized, which I didn't oppose, and I told them I didn't oppose it. If they wanted to be organized, it was perfectly all right with me. But I told them to refrain from having any discussion with them in our place of business; that if they do want to have any discussion, let them meet on the outside or home, or have these agents contact them elsewhere. As a result of that, several of these agents stood on the corner, and, of course, as soon as they would see them walk out, or out to the lunch hour, they would contact them and try to persuade them to join the union.

As a result of that, we got our attorneys to contact the unions, or their counsel, as to what the decision was. So they had a meeting at the Labor Relations Board. They decided on a vote, at which time they screened out which element they wanted. They wanted the retail clerks of the stores. Even then they screened out certain ones that they didn't want who was closely related to members of the firm.

Of that, there was 22 employees that they screened out, and when the vote come about, which I have a sample ballot of here, there



were 18 against organization and 4 for organization, of which 2 of them only worked during the summer period, and when the election come about they were in school and the agent for the union went to school to pick them up to cast their vote. So there were 2 of them and 2 regular employees that voted for a union.

The other 18 voted for nonunion.

Mr. KENNEDY. This was even after they had screened out those that they didn't want?

Mr. FREEDMAN. That is right.

Mr. KENNEDY. But you joined up anyway?

Mr. FREEDMAN. Well, at a later date——

Mr. KENNEDY. When was this?

Mr. FREEDMAN. When we were tied up.

Mr. KENNEDY. About what date?

Mr. FREEDMAN. Well, approximately the time, I don't know.

Mr. KENNEDY. What year was it?

Mr. FREEDMAN. That was during the time of the Horn & Hardart strike.

Mr. KENNEDY. Around 1955?

Mr. FREEDMAN. Approximately around there. When they tied me up, I finally got Willie Greenberg who is the secretary of local 929, and asked him what he wanted, what was the trouble? He said, "Well, Major Richards is not paid up. He owes \$180."

I said, "All right, we will send him down there with a \$180 check."

He said, "No, a check wouldn't do. You will have to send the cash down."

I said, "All right, then, we will send the cash down."

As a result of that, we sent Major Richards to the union local, Franklin Avenue, with cash of approximately \$180, and even then they wouldn't receive his money. They said, "No; you will have to get Mr. Freedman down here."

As a result of that, he called me up, and told me that I would have to sign a contract before they would accept his money. I said, "I don't object to signing a contract if you can get the majority of the employees that you think ought to join your union, and let me take this contract to my counselor."

He said, "That is perfectly all right with us." But I said, "You can't keep tying us up, we have to have merchandise."

He said, "You can't get merchandise until such time as you sign the contract."

I said, "In that case, I have no alternative but to sign a contract. You will not do that to me. I am an American, and I am going to die fighting. I will not sign the contract until I take it up with my counsel. We will screen the contract to see what we agree on."

So at that time, I left, and I asked Major Richards to come along. At that time, Willie Greenberg called Mr. Richards back and said, "I want to see you, Major, wait a minute."

He went back and I waited on the outside. After about 15 or 20 minutes, I went back there and wanted to know why he didn't come out. Willie Greenberg come out and said, "Why can't we straighten this out?"

I said, "That is entirely up to you. I want to try to straighten it out the best way I want to. But I can't pressure my employees to join



your union. If they don't want to, it is up to your union to do that. You have a couple of these men that are signed up."

I knew that they had to be signed up in order to get supplies. He said, "All right, then, I will let you go ahead and load, but I want a contract signed within the next week or two."

I said, "O. K." But of course, I didn't sign at that time or a week or two later, and not until such time as they made a drive for membership for those who were not signed up, and nobody would be allowed to move a truck unless they have a placard on their truck that it is a union truckdriver operating that truck.

When I was pressured to that extent, I signed the contract with them. We have four members with local 929 at this time.

Mr. KENNEDY. How many?

Mr. FREEDMAN. Four.

Mr. KENNEDY. Out of how many?

Mr. FREEDMAN. Out of approximately 50 or 60 employees. Not all of those are drivers.

Mr. KENNEDY. How many are drivers?

Mr. FREEDMAN. Out of approximately 8 drivers.

Mr. KENNEDY. But the contract is with the teamsters?

Mr. FREEDMAN. With the teamsters of local 929.

Mr. KENNEDY. Do you mean all of these employees are governed by a contract with the Teamsters Union even though you only have 4 employees out of 60 that are members of the teamsters?

Mr. FREEDMAN. Those 4 are the 4 that go down to the docks and to the terminals to get our supplies.

Mr. KENNEDY. So the wishes of the—

Mr. FREEDMAN. Unless they were union members, they could not get supplies.

Mr. KENNEDY. So the wishes or desires of the employees were completely disregarded?

Mr. FREEDMAN. That is right.

Mr. KENNEDY. And you felt you had to do it because of the economic pressure, that you couldn't unload or load unless you joined?

Mr. FREEDMAN. We couldn't.

Mr. KENNEDY. And, in fact, at the time they had the vote as to whether they were going to belong to the Teamsters Union, the employees were strongly against the teamsters?

Mr. FREEDMAN. Well, the drivers did not vote. They did not want the drivers.

Mr. KENNEDY. They just wanted the retail clerks?

Mr. FREEDMAN. They only wanted at that time the retail clerks.

Mr. KENNEDY. And they were against it?

Mr. FREEDMAN. They were against it. They were opposed to the union.

The CHAIRMAN. Do I understand now that all of your employees have to pay dues to the union?

Mr. FREEDMAN. No, sir.

The CHAIRMAN. Who?

Mr. FREEDMAN. We only have four employees that belong to the union, and that is to local 929. I will say that they never bothered us too much, particularly the president of the organization was always fairminded.

The CHAIRMAN. You just have four employees that actually belong to the union?

Mr. FREEDMAN. That is right.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Is it your feeling that the Teamsters Union was forced upon your concern contrary to the wishes of both the employees and the management, is that right, in order not to be boycotted down at the terminal?

Mr. FREEDMAN. That is right.

Senator CURTIS. A secondary boycott in my State continues on and the most recent is a concern that has one truck driver, but he picks up supplies that they need very, very much, and unless they sign a contract for the one truck driver and put him in the union, the Teamsters Union is going to boycott them and shut off all their supplies. That one driver doesn't want the job. If he does, he would only have to work part of the year because the company hired him with other duties and his yearly income is much higher than if he joined up with the blackmailers.

Did you pay any dues for your own?

Mr. FREEDMAN. Yes. I had to pay the \$180. Of course, we extracted it from this boy's pay on a weekly basis.

Senator CURTIS. In other words, you advanced him some money to pay his back dues.

Mr. FREEDMAN. That is right.

Senator CURTIS. But he ultimately paid them?

Mr. FREEDMAN. That is right.

Senator CURTIS. Did you make any payments to the Teamsters Union?

Mr. FREEDMAN. In that respect, we did. We sent a check to the Teamsters Union every month for these four employees.

Senator CURTIS. That is all, Mr. Chairman.

Mr. KENNEDY. During the period of time that the Horn & Hardart was having the difficulties with local 107 and these other unions, you continued to supply them?

Mr. FREEDMAN. Yes, we continued to supply them, in spite of the pressure that we had put upon us, from time to time.

Mr. KENNEDY. Were you subjected to violence, and your trucks?

Mr. FREEDMAN. Very much.

Mr. KENNEDY. Were some of your trucks damaged?

Mr. FREEDMAN. Yes. Two of them were set afire. One of them was turned over. Wires were broken apart. One truck was dumped in the river and never recovered. Our insurance carriers refused to carry our insurance. We had several of them——

Mr. KENNEDY. During this period of time?

Mr. FREEDMAN. During this period of time, as a result of it, we had to take our own liability on our fire and theft insurance. They covered us for liability, property damage and what have you, but they would not cover us for fire and theft.

Mr. KENNEDY. What reason did they give you?

Mr. FREEDMAN. Until the labor difficulties with the Horn & Hardart strike were over.

The CHAIRMAN. In other words, they took a lot of violence out on you because you were supplying Horn & Hardart?

Mr. FREEDMAN. That is right.

The CHAIRMAN. Because you would make deliveries?

Mr. FREEDMAN. That is right. I told them I was going to make deliveries as long as I possibly could. My son and I, we took trucks in there. We had a couple of our loyal employees who stuck by us, and who seen the righteousness of it.

I knew that Horn & Hardart was always a fair concern. If their employees would want to be organized, they certainly wouldn't object to it. I knew that they were innocent victims of circumstances, and I felt that I was going to continue on to help them as much as I possibly could.

The CHAIRMAN. How much property damage did you suffer by reason of the picket line and strike?

Mr. FREEDMAN. We didn't have any picket lines.

The CHAIRMAN. I am not talking about you. I am talking about Horn & Hardart.

Mr. FREEDMAN. We suffered approximately fifteen or twenty thousand dollars worth of damage. In merchandise, they threw gasoline on some of our merchandise. They threw stink bombs in our stores. One of these trucks was primarily our main truck, the largest one, was dumped in the river, and we couldn't salvage anything out of it.

Mr. KENNEDY. Did you ever find out who was responsible for any of these?

Mr. FREEDMAN. No, sir.

Mr. KENNEDY. They never made any arrests?

Mr. FREEDMAN. They never made any arrests.

The CHAIRMAN. Who was it that threatened you?

Mr. FREEDMAN. Well, nobody actually threatened me.

The CHAIRMAN. Who was putting the pressure on you not to deliver? Who talked to you about it?

Mr. FREEDMAN. Morris Schurr, the president of 929, said "Joe, if you don't sign up with me, you will have to sign up with someone else. It is up to you. I am not going to tell you that you have to sign up with me."

I said, "Morris, I cannot sign up unless you get my employees to agree to it."

He said, "Well, they are going to agree to someone else. It is up to you. I am just trying to tell you as a friend."

And he was very conscientious in his remarks. He never gave me too much trouble.

The CHAIRMAN. Did you ever recover the truck that was dumped in the river?

Mr. FREEDMAN. The police and fire department dredged it out of the river, but we couldn't possibly move it. It was crashed in the body.

The CHAIRMAN. It was beyond repair?

Mr. FREEDMAN. It was beyond repair.

The CHAIRMAN. Would you recognize pictures of it if you saw them?

Mr. FREEDMAN. Yes, I would.

Yes, that is the truck.

The CHAIRMAN. Is that the one in the river?

Mr. FREEDMAN. That is the one in the river, and this is the same one, and this is the same one; these three.

Of course, there are different incidents at various times on this very same truck. As I say, what we did in this case here, since we found it almost impossible to operate under our own name, we took the name off the truck, and we assigned it to one of our employees, and he run the truck.

We parked it at a different location every night. We finally resorted to parking it in back of the police squad, thinking that there they wouldn't molest it.

But they towed it away from that location several times. The last time that they towed it away, that was the end of it.

The CHAIRMAN. They dumped it in the river?

Mr. FREEDMAN. They dumped it in the river.

The CHAIRMAN. Those pictures may be made exhibit 25.

(The document referred to was marked "Exhibit 25, and may be found in the files of the select committee.)

The CHAIRMAN. I will hand you a series of three other pictures, and ask you to examine them and state whether they are pictures of damage done to your truck.

(Photographs were handed to the witness.)

Mr. FREEDMAN. Yes, I can recall this incident happened when we called Mr. Schaeffer of Horn & Hardart Restaurants, at the bakery, after our truck was loaded.

I supervised the loading of it on Dock Street. We would call for a police escort. I will say this, incidentally, the police were very cooperative with our firm. Any time we asked for a police escort, we got it.

Mr. Schaeffer assured me that it was all right to pull our truck in there, that they wouldn't molest us, that there was an agreement or some kind of an arrangement made where they were going to let trucks come in there unmolested.

The CHAIRMAN. Did they keep the agreement?

Mr. FREEDMAN. No, they did not.

The CHAIRMAN. What did they do to your truck?

Mr. FREEDMAN. Here is what happened that night. That particular night I will never forget as long as I live. I followed behind in my car. When he pulled up, about ready to back in, there was approximately 100 pickets there, and one of the arrangers of the pickets said, "Close in, close in the gaps," and others, swarmed around the cab of the truck, trying to persuade this man, who is in the room here today, to pull away.

As a result of it, he did pull away. He couldn't back into these people. So I thought, "Well, that is the end of that truck." I followed right behind him, and I seen people running; that is, these fellows running in all directions, for, evidently, their cars. That is, they went to get their cars.

There was one man who I thought appeared to be a gentleman on the corner of 10th and Locust.

The CHAIRMAN. He appeared to be what?

Mr. FREEDMAN. Appeared to be a gentleman.

The CHAIRMAN. In contrast to some of the others you saw?

Mr. FREEDMAN. Yes; that is, he was dressed like a gentleman. I said to him, "Quick, get the police, they are following him." He said, "Well, they are supposed to follow him." Then I realized he was one of them.



So I continued on to follow him, and then a car behind me blew his horn for me to move over to let him by. But I knew what he was up to, so I didn't do that.

I just kept behind the truck and blocked his path. He pulled around me on onto the walking pavement, and in front of me, and used some vile language to me.

Of course, he didn't know who I was. He pulled in front of the truck and shooed him over to the dead end of Locust Street, on Locust Street, and there was a building there—I don't know what building it is—and I instructed my driver to keep his windows and doors closed.

They went at it with instruments, of what kind I don't know, breaking windows and shields and what not, and I stopped in front of the truck; that is, I passed it about a length of my car, and then I thought, "Well, I better back up. They are going to kill this boy."

I backed up and as I backed up these fellows run away. One of them was a green car, with a luggage carrier on top. I could possibly recognize the car. I think it was a Plymouth, but I am not sure.

When I pulled alongside of the truck, I said, "Willey, you better follow me on to a lighted street, 11th and Market. We will pull up to the station house."

He followed me and I said, "Are you all right?" and he said, "Yes, I am all right, Mr. Freedman."

I said, "Go to the 11th and Winter Street Precinct. We will get an escort. We are going to get this load in there."

I went in there, and after I explained to the desk sergeant what had taken place, he told me to wait and he would go get a police escort, which he did. He put a policeman alongside of the driver, and a red car behind them. I followed behind them.

We got the truck in and unloaded it. That is what happened to these windows at that time.

The CHAIRMAN. The last series I handed you of the three, are they all of the same car or a different car?

Mr. FREEDMAN. This one I am referring to, that is the big one, in the river, I think.

The CHAIRMAN. That may be made exhibit 26.

(Document referred to was marked "Exhibit No. 26" for reference and may be found in the files of the select committee.)

Mr. FREEDMAN. This one is another truck where they threw an incendiary bomb into the cab in back of our warehouse. I was up in the office when they yelled, "One of our trucks is on fire."

My son called up to me and said, "Dad, one of the trucks is on fire. Come right down."

Fortunately enough, we have a fire station right around the corner from us, and they immediately extinguished the fire.

In that truck, of course, the cab was all burned out, wires was burned. I think that was a red International.

The CHAIRMAN. That may be made exhibit 26-A.

(Document referred to was marked "Exhibit No. 26-A" for reference and may be found in the files of the select committee.)

Mr. FREEDMAN. This is another one. Which one this is, I don't recall. I am not familiar with the make of this truck, but that is one of our trucks.



The CHAIRMAN. That may be made exhibit 26-B.

(Document referred to was marked "Exhibit No. 26-B" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. We have had some testimony regarding a conversation that you had with a representative of Horn & Hardart during this period of time when there was the difficulty between local 107 and Horn & Hardart.

Was an approach in fact made to you that the strike could be settled?

Mr. FREEDMAN. Well, the approach was made to me regarding how well I was acquainted with the staff, the official staff, of Horn & Hardart.

I said, "Well, I am acquainted with them, to the extent that I have been doing business with them to the extent of the past 20 years or more."

Mr. KENNEDY. Who did you have this conversation with?

Mr. FREEDMAN. Shorty Feldman.

Mr. KENNEDY. Who is Shorty Feldman?

Mr. FREEDMAN. He is the agent for local 929.

Mr. KENNEDY. Is he an important figure in the Teamsters Union in Philadelphia?

Mr. FREEDMAN. Well, yes, he is. He is their business agent. He is the one that we have to look forward to at the terminals; that is, he is the one that we have to account to for any misdemeanors.

Mr. KENNEDY. Continue.

Mr. FREEDMAN. He said, "Joe, how well do you know them?" and I said, "Well, I know them well." He said, "Do you know them well enough to talk to them and make a deal?"

I said, "What kind of a deal? You know, those people don't go for deals. If I know Daley or some of the other executives, they are pretty honorable people, and I don't think they will go for deals."

He said, "Well, do you want to talk to them?" I said, "I will talk to one of the men which I have contact with," which I referred to as Dan Hanlon. He said, "For \$50,000, we can take care of this," and I said, "What do you mean take care of it?"

I said, "Do you mean you can settle the strike, that they will stop picketing?" and he said, "Who is it? Who is it that is involved? I didn't think you were interested in the strike." He said, "Well, no, it is not 929."

I said, "Who is it?" and he said, "Well, it would have to be divided three ways." I said, "Well, I don't know, Sam."

After a couple of days, or a week, possibly elapsed, he again approached me, and I thought, "Well, I will mention it to Mr. Hanlon," which I did.

He said, "Mr. Freedman, if I were you, I wouldn't even mention it to Mr. Daley. He wouldn't go for any deals or any capitulations whatsoever. If you would mention it to him, I think he would order you out of the office."

I said, "Well, I figured it that way, but I felt it no more than proper for me to bring it to you anyway, and you take it from there."

At a later time, he said, "Did you talk to them?"

Mr. KENNEDY. Who said that?

Mr. FREEDMAN. Sam Feldman, Shorty Feldman.

I said, "I did, but they are not interested."

Mr. KENNEDY. So you had these three conversations?

Mr. FREEDMAN. Yes. Then at a later date, I called up Morris Schurr, the president of local 929, and asked him if he knew anything of it, and he said, "No, I don't know anything of it, and" he says "he is crazy. He shouldn't have done it. I have nothing to do with it."

I said, "Okay, that is all I want to know."

Mr. KENNEDY. Mr. Freedman, if this was just a business agent of local 929, how is he in a position, in your estimation, to be able——

Mr. FREEDMAN. Well, he was very friendly with the other factions, with Ray Cohen, Jimmy Hoffa, and those.

In fact, he related to me he was very closely related, very related.

Mr. KENNEDY. What did he relate to you?

Mr. FREEDMAN. Well, he said that they were friendly, that he can reach the proper source.

Mr. KENNEDY. Who did he say he was friendly with, specifically?

Mr. FREEDMAN. Well, on different occasions, he told me, "It is in the bag," that Jimmy Hoffa and him are very close, and that was it.

The CHAIRMAN. Let me ask you: Did you say Sam Feldman was business agent for which local?

Mr. FREEDMAN. 929.

The CHAIRMAN. 929?

Mr. FREEDMAN. That is right.

The CHAIRMAN. Who is the president of that local?

Mr. FREEDMAN. Morris Schurr.

The CHAIRMAN. After Feldman asked you to intervene and submit this proposition, and after you had done so, I believe you called up the president of the local?

Mr. FREEDMAN. Yes, Morris Schurr, that is right. I wanted to know if he had had anything to do with it.

The CHAIRMAN. And you told him what happened?

Mr. FREEDMAN. I did.

The CHAIRMAN. And he wouldn't go for that?

Mr. FREEDMAN. No. He said he had nothing at all to do with it, and that Feldman was a fool.

The CHAIRMAN. What happened to Feldman?

Mr. FREEDMAN. Nothing. I told him they were not interested, forget about it.

The CHAIRMAN. Well, what happened? Did the union continue to employ him as a business agent?

Mr. FREEDMAN. Yes.

The CHAIRMAN. He is still an agent for them?

Mr. FREEDMAN. Yes, he is still agent for them.

The CHAIRMAN. Notwithstanding that the president knew he was going around making such propositions, they apparently still took no action? He is still working for them?

Mr. FREEDMAN. That is right.

The CHAIRMAN. And you acquainted the president with the facts of his offer, what he had undertaken to do?

Mr. FREEDMAN. That is right.

The CHAIRMAN. The president said he didn't have anything to do with it?

Mr. FREEDMAN. I believed him; that he didn't have anything to do with it.

The CHAIRMAN. Anyway, he kept the man who made the offer?

Mr. FREEDMAN. Yes.

The CHAIRMAN. And knowing from you at least about that offer, he has kept the man as a business agent?

Mr. FREEDMAN. Yes.

Mr. KENNEDY. That is all.

The CHAIRMAN. The committee will stand in recess until 2 o'clock. (Whereupon, at 12:20 p. m., the committee recessed to reconvene at 2 p. m., the same day.)

(Members of the committee present at the taking of the recess were: Senators McClellan and Curtis.)

#### AFTERNOON SESSION

(At the reconvening of the session, the following members were present: Senators McClellan and Goldwater.)

The CHAIRMAN. The committee will come to order.

Proceed, Mr. Counsel, to call a witness.

Mr. KENNEDY. I would like to ask Mr. Freedman to return to the stand briefly.

The CHAIRMAN. Mr. Freedman, come back, please.

#### TESTIMONY OF SOLOMON JOSEPH FREEDMAN—Resumed

Mr. KENNEDY. Mr. Freedman, I just want to get a few more details from you. On your operation during the period of the strike, how many drivers did you have?

Mr. FREEDMAN. About eight.

Mr. KENNEDY. About eight.

Mr. FREEDMAN. That is right.

Mr. KENNEDY. After some violence, would they all agree to drive during this period of time?

Mr. FREEDMAN. Yes, they all agreed to drive, but none of them would make any deliveries.

Mr. KENNEDY. Would you speak louder, please?

Mr. FREEDMAN. None of them would make any deliveries to Horn & Hardart restaurants. Not to the restaurant, but to the warehouse, to their commissaries.

Mr. KENNEDY. You couldn't get anyone to make deliveries?

Mr. FREEDMAN. No one but this one man, one man that appears here. Without him I don't think it would have been possible for us to carry on.

Mr. KENNEDY. What was that man's name?

Mr. FREEDMAN. William Young.

Mr. KENNEDY. He is the only one?

Mr. FREEDMAN. He is the only one, and he thought as I did, that right prevails over anything else. He knew it was a righteous cause, and that is the reason he went along, in spite of the fact that his life was in danger numerous times. He still continued on, and just wouldn't let down. Without him, as I say again, we could have never effected our deliveries to the——

Mr. KENNEDY. Would you speak up a little louder?

Mr. FREEDMAN. We could never have effected our deliveries to the commissary if it wasn't for that one man.

Mr. KENNEDY. Was he threatened during this period of time?

Mr. FREEDMAN. Numerous times.

Mr. KENNEDY. He was?

Mr. FREEDMAN. Not only threatened, but he was beaten, landed in the hospital on one occasion.

The CHAIRMAN. How many?

Mr. FREEDMAN. He landed in the hospital on one occasion.

Mr. KENNEDY. But he wasn't frightened off, is that right?

Mr. FREEDMAN. He was not frightened off.

Mr. KENNEDY. Did he indicate to you that he was scared during this period of time?

Mr. FREEDMAN. At no time.

Mr. KENNEDY. But none of the other drivers would drive during this period of time?

Mr. FREEDMAN. He was the only one. And, as I say, my son and myself, we, too, made deliveries to the bakery.

The CHAIRMAN. Is there anything further, Senator?

Senator GOLDWATER. No; Mr. Chairman.

The CHAIRMAN. Mr. Freedman, the Chair wishes to compliment you very highly for your courage, your patriotism in coming here to testify.

Mr. FREEDMAN. Thank you.

The CHAIRMAN. If all business people of this country and all other good citizens would stand against these goons and thugs as you have, we would soon clean them out. People wouldn't have occasion to be afraid when they would try to do an honest day's work.

I think you are to be commended highly. I hope the rest of the people in the City of Brotherly Love will have the same courage. Thank you very much.

Mr. FREEDMAN. Thank you. I am grateful for the opportunity to appear before you.

The CHAIRMAN. The Chair may say to you, if you are threatened in any way, if any one approaches you regarding your testimony here, and in any way tries to intimidate you, threaten you, or harm you, report it to this committee.

I think the Senate of the United States, the Government of the United States, after all, is bigger than these folks who go around trying to intimidate people and trying to beat them up.

(At this point, Senator Curtis entered the hearing room.)

Mr. FREEDMAN. I thank you, and I have no fear.

The CHAIRMAN. I don't believe you have. Thank you.

Call the next witness.

Mr. KENNEDY. I would like to call the driver about whom Mr. Freedman spoke, Mr. Young.

The CHAIRMAN. Come forward, Mr. Young.

Come forward, please. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. YOUNG. Yes, sir.

### TESTIMONY OF WILLIAM S. YOUNG

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. YOUNG. William S. Young, 2431 West Montgomery, truck-driver.

The CHAIRMAN. Do you live in Philadelphia?

Mr. YOUNG. Yes, sir.

The CHAIRMAN. Do you have an attorney to represent you? Do you have a lawyer?

Mr. YOUNG. No.

The CHAIRMAN. Do you want one?

Mr. YOUNG. It is not necessary.

The CHAIRMAN. You waive counsel. All right.

Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Young, you were a driver for Mr. Freedman's company?

Mr. YOUNG. Yes, sir.

Mr. KENNEDY. And you were a driver during the period of time that Horn & Hardart was on strike?

Mr. YOUNG. I was.

Mr. KENNEDY. And you continued to make deliveries and pick up at the Horn & Hardart Co.?

Mr. YOUNG. I did.

Mr. KENNEDY. During this period of time that you were making the pick up and deliveries, were you ever threatened?

Mr. YOUNG. Yes, I was.

Mr. KENNEDY. Would you tell the committee about that?

Mr. YOUNG. Well, I was threatened by Brent Brown.

Mr. KENNEDY. Would you speak up a little louder and slowly, please?

Mr. YOUNG. I was threatened by Brent Brown for one.

Mr. KENNEDY. By Brown?

Mr. YOUNG. Yes; for one. There were quite a few of them, but I didn't know their names.

Mr. KENNEDY. What threats did they make to you?

Mr. YOUNG. They called me certain names that I wouldn't say in front of people. They wouldn't understand. Do you want to hear it?

Mr. KENNEDY. No.

Mr. YOUNG. Well, I took that for granted, I let it pass by.

Mr. KENNEDY. When would they be threatening, while you were driving?

Mr. YOUNG. Yes; when I was driving.

Mr. KENNEDY. In language that can be stated here, what would they say to you?

Did they ever threaten that they would harm you physically?

Mr. YOUNG. Yes; they would, if they got a chance.

Mr. KENNEDY. What did they say to you?

Mr. YOUNG. That they were going to get me sooner or later.

Mr. KENNEDY. Who said that to you?

Mr. YOUNG. I don't know. You see, it would be nighttime and I would be delivering.

Mr. KENNEDY. Would you say they yelled at you?

Mr. YOUNG. Yes, yell at me, spit at me, curse at me.

Mr. KENNEDY. Weren't you frightened?

Mr. YOUNG. No, I was not.

Mr. KENNEDY. Didn't you think they would get you?

Mr. YOUNG. Yes, I figured some day they would, but I kept on going.

Mr. KENNEDY. Did they?

Mr. YOUNG. Yes, they got me.



Mr. KENNEDY. What did they do to you?

Mr. YOUNG. Well, I was coming—

Mr. KENNEDY. Now, we have gone through this before. You have to speak slowly, the acoustics are very bad in the room. If you could just speak a little slowly, it would be better.

Mr. YOUNG. It happened June 25, 1955, 8:45 at Kingston and Allegheny. That is one of the Horn & Hardart restaurants. I was delivering in the back.

Mr. KENNEDY. In the back?

Mr. YOUNG. Yes, in the back, I was going to the elevator in the back. So as I went to the door of that truck, and the back door was on half of the truck, at the time I approached, I looked around, and I didn't see nobody, so I got out and started to deliver. As I picked a crate of cabbage up, I looked back and there were 3 men standing there, weighing about 200 pounds each. There was nothing I could do at them, but to look and throw the cabbage at them, and I missed. They caught my leg and I hit the pavement.

Mr. KENNEDY. You threw the cabbage at them?

Mr. YOUNG. Yes, and they caught my leg and I hit the pavement.

Mr. KENNEDY. They caught your leg?

Mr. YOUNG. Yes.

Mr. KENNEDY. And you hit the pavement?

Mr. YOUNG. Yes. I seen stars, and I couldn't get myself together, and then I seen some heels beside my face, and that was it.

Mr. KENNEDY. They stomped you?

Mr. YOUNG. Yes.

Mr. KENNEDY. They kicked you?

Mr. YOUNG. No, they hit with their fists. They didn't use their feet on me.

Mr. KENNEDY. They hit you on the face with their fists.

Mr. YOUNG. Yes.

Mr. KENNEDY. And these were three men?

Mr. YOUNG. Three men exactly.

Mr. KENNEDY. All large men?

Mr. YOUNG. All large men; yes.

Mr. KENNEDY. Were you knocked unconscious?

Mr. YOUNG. I was.

Mr. KENNEDY. What happened?

Mr. YOUNG. I wound up in the hospital about 2 hours later. I didn't know where I was at until I woke up. I could not move for about a couple of hours. I could not move, so I was taken home. I got straightened out, my wife straightened me out for a while, and I got straightened out. Paul called me up to take a load in, and I told him I would.

Mr. KENNEDY. The company called you up after that, Freedman?

Mr. YOUNG. Yes.

Mr. KENNEDY. When was that?

Mr. YOUNG. The same day, the same night.

Mr. KENNEDY. The same night?

Mr. YOUNG. Yes.

Mr. KENNEDY. And asked you if you would take another load in?

Mr. YOUNG. They did.

Mr. KENNEDY. Did you?

Mr. YOUNG. I did.

Mr. KENNEDY. Weren't you scared by that time?

Mr. YOUNG. No.

Mr. KENNEDY. What about if they beat you up and stomped you again?

Mr. YOUNG. They didn't. I had an escort.

Mr. KENNEDY. Some of the police came along?

Mr. YOUNG. Yes. I was back in the commissary, and I got a threat from Mr. Brown. He said "Did you hit a stone wall?"

Mr. KENNEDY. Who said that to you?

Mr. YOUNG. Arthur Brown, otherwise Brent Brown.

Mr. KENNEDY. He is a teamster?

Mr. YOUNG. Yes.

Mr. KENNEDY. And he saw you and asked if you had hit a stone wall?

Mr. YOUNG. Yes. That is one guy I could tell where to get off, but I didn't.

Mr. KENNEDY. You didn't say anything?

Mr. YOUNG. No.

Mr. KENNEDY. You kept on driving?

Mr. YOUNG. Kept on driving.

Mr. KENNEDY. Prior to that, did you receive threats by telephone?

Mr. YOUNG. No, because my phone was not listed in the book.

Mr. KENNEDY. Had anybody called you?

Mr. YOUNG. No.

Mr. KENNEDY. They had not?

Mr. YOUNG. No.

Mr. KENNEDY. Why couldn't they have called you?

Mr. YOUNG. The operators wouldn't give them the telephone number.

Mr. KENNEDY. Had you ever received any calls?

Mr. YOUNG. No.

Mr. KENNEDY. Even before that?

Mr. YOUNG. No.

Mr. KENNEDY. You had an unlisted telephone?

Mr. YOUNG. An unlisted telephone is right.

Mr. KENNEDY. Did you get any further threats while you were working?

Mr. YOUNG. After that beating up?

Mr. KENNEDY. Yes.

Mr. YOUNG. No, they thought I had too much guts, so they thought they would lay off for a while, they didn't bother me.

The CHAIRMAN. They thought you had too much guts and they laid off of you?

Mr. YOUNG. Yes.

Mr. KENNEDY. While you were driving your truck, did they ever break any of the windows of the truck?

Mr. YOUNG. Yes, they broke plenty of windows.

Mr. KENNEDY. Did you have bricks thrown through your window?

Mr. YOUNG. Yes, I had that, too.

Mr. KENNEDY. How often do you think?

Mr. YOUNG. About 10 or 12 times.

Mr. KENNEDY. Bricks thrown through your window?

Mr. YOUNG. Yes, and stones.

Mr. KENNEDY. Did they ever hit you with the bricks?

Mr. YOUNG. They missed me one time about 2 o'clock in the morning, they missed me, my shoulder. That is all. It was a big rock.

Mr. KENNEDY. How big was the rock?

Mr. YOUNG. It was about as big as that camera.

Mr. KENNEDY. It came through your windshield?

Mr. YOUNG. Yes.

Mr. KENNEDY. With the fact that you had rocks thrown through your windshield 10 or 12 times and were beaten up, and these other threats, didn't you feel that you would want to stop driving?

Mr. YOUNG. No, I didn't.

Mr. KENNEDY. For what reason?

Mr. YOUNG. Well, I had faith in that company. I stuck with them.

Mr. KENNEDY. You had faith in the company?

Mr. YOUNG. Yes, and I stuck with them, with the good Lord's will.

Mr. KENNEDY. The good Lord's will?

Mr. YOUNG. That is right.

Mr. KENNEDY. That is all.

The CHAIRMAN. Are there any questions?

Senator Goldwater.

Senator GOLDWATER. Are you a member of the union?

Mr. YOUNG. No, I am not.

Senator GOLDWATER. Have you ever been a member of the union?

Mr. YOUNG. No.

Senator GOLDWATER. Were you ever threatened before by virtue of the fact that you weren't a member of the union?

Mr. YOUNG. No, I was not; no, not until the picket line started.

Senator GOLDWATER. Pardon me?

Mr. YOUNG. Not until the picket line started.

Senator GOLDWATER. That is when they tried to induce you to join the union?

Mr. YOUNG. Yes.

Senator GOLDWATER. Mr. Chairman, I have no other questions. I listened to the chairman as he complimented the representative of management who was here before. I want to congratulate a free American worker who has the guts to do what he thinks is right.

Mr. YOUNG. Thank you.

The CHAIRMAN. Are there any further questions?

(At this point, Senator Ervin entered the hearing room.)

The CHAIRMAN. Who is Brent Brown?

Mr. KENNEDY. Arthur.

Mr. YOUNG. Brent Brown. Arthur Brown or Brent Brown, either one of the two.

The CHAIRMAN. Which one was it that threatened you?

Mr. YOUNG. It was Arthur Brown, I think.

The CHAIRMAN. Which one?

Mr. YOUNG. It was Arthur Brown or Brent Brown, one of the two.

The CHAIRMAN. Did you know any of the three men that beat you up?

Mr. YOUNG. No; I didn't.

The CHAIRMAN. Had you ever seen them before so far as you know?

Mr. YOUNG. No.

The CHAIRMAN. They had no reason to have anything personal against you?

Mr. YOUNG. No, they didn't, not that I know of.

The CHAIRMAN. They were beating you up because you were working?

Mr. YOUNG. Because I crossed that picket line.

The CHAIRMAN. Because you crossed that picket line.

Mr. YOUNG. That is right.

The CHAIRMAN. All right.

I think we have established that the picket line was made up of just a very few. It wasn't the 4,800 employees, but just a few of them. Is that correct?

Mr. YOUNG. That is right.

The CHAIRMAN. I think you are to be commended. I hope the rest of those men up there, and some of them who are in the union now, will have the manhood and courage to come up here and testify and tell what they know. You are to be complimented for it.

That is the only way we are ever going to get legislation to stop this thug control, subjugation of workers to the will of some labor boss who thinks he is a boss who resorts to force and violence to intimidate, to beat people up, to shoot them up, and so forth.

We have to have the courage, then, in the citizenship of this country and in the working people to stand up for rights. I compliment you very highly.

Thank you very much.

Mr. YOUNG. Thank you.

The CHAIRMAN. Call the next witness.

(At this point, the following members of the committee were present: Senators McClellan, Ervin, Curtis, and Goldwater.)

Mr. KENNEDY. Mr. Seymour Herman.

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HERMAN. I do.

The CHAIRMAN. Be seated.

### TESTIMONY OF SEYMOUR HERMAN

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. HERMAN. Seymour Herman. I live at 153-04-75th Avenue, Flushing. At that time I was a truckdriver.

The CHAIRMAN. At that time you were a truckdriver. What is your profession or occupation now?

Mr. HERMAN. Salesman.

The CHAIRMAN. You are a salesman?

Mr. HERMAN. Yes.

The CHAIRMAN. For what company?

Mr. HERMAN. National Cleanser Products Co., New York.

The CHAIRMAN. You waive counsel?

Mr. HERMAN. I do.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. You were associated with Horn & Hardart during the period of the spring in 1955?

Mr. HERMAN. No, I was associated with a company that supplied Horn and Hardart.

Mr. KENNEDY. What is the name of that company?

Mr. HERMAN. At that time it was Dr. Charles Hirsch.

Mr. KENNEDY. What is the name of the company now?

Mr. HERMAN. We were distributors for Dr. Charles Hirsch. Now it is National Cleanser Products Co. because of the fact that Dr. Hirsch passed away.

Mr. KENNEDY. It is National Cleanser Products Co.?

Mr. HERMAN. Yes.

Mr. KENNEDY. You made deliveries to Horn & Hardart?

Mr. HERMAN. Yes.

Mr. KENNEDY. You were a supplier of Horn & Hardart?

Mr. HERMAN. Yes.

Mr. KENNEDY. During the period of the spring or the difficulties with local 107, were you utilized for driving a truck and bringing material into Horn & Hardart?

Mr. HERMAN. Yes.

Mr. KENNEDY. You were actively a driver at that time?

Mr. HERMAN. Yes.

Mr. KENNEDY. A truck driver?

Mr. HERMAN. I was a foreman but I had been a truck driver. During the period of the strike I was called upon to drive the truck.

Mr. KENNEDY. Prior to that you were foreman?

Mr. HERMAN. Yes.

Mr. KENNEDY. Prior to this period of difficulty you drove a truck to assist?

Mr. HERMAN. Yes.

Mr. KENNEDY. Had you known that there was violence connected with that strike?

Mr. HERMAN. No.

Mr. KENNEDY. Did you find out, or did you have any personal experience regarding the violence?

Mr. HERMAN. Very much.

Mr. KENNEDY. Would you relate to the committee what happened to you?

Mr. HERMAN. On May 9, 1955, I was asked to take a load to Philadelphia, not knowing that there was a picket line. I was under the impression that it was a jurisdictional dispute.

I took the load and I was told to stop in Camden and call Philadelphia to get permission to come in. I stopped and I called Philadelphia and when I got to the plant I noticed a large gathering of men.

I don't recall seeing any picket signs. I just recall seeing a large gathering of men. So I drove up to the receiving dock and I proceeded to back in when the truck was surrounded and they started calling me all kinds of vile names, scab, and so on.

They spit at me. At that point I figured the hell with it, I am going to back in, I am here. So I backed in. They told me they will get me.

Mr. KENNEDY. Who told you that?

Mr. HERMAN. Somebody told me. They got me on the way out. I had a police escort as far as the Philadelphia-Camden bridge.

On the other side of the bridge they hurled bricks through the window of the truck.

Mr. KENNEDY. Relate what happened. You were driving along?



Mr. HERMAN. I was driving along after the police escort and a car cut us off.

Mr. KENNEDY. Was this after the police escort left you?

Mr. HERMAN. Yes. It left us on the Philadelphia side of the bridge. We were on the Jersey side.

I believe it is the Admiral Wilson Boulevard in Camden. A car cut across and slowed the truck down. There was a car parked on the other side. I caught a glimpse of it.

They hurled bricks through the window of the truck. One caught me in the right forehead. So we stopped the truck. I then realized I was bleeding, so I drove around to the hospital and then I collapsed.

Subsequently I spent 9 days in Cooper Hospital, 21 days in Bethel Hospital in Brooklyn. I had two operations. I have a plate in my head. I am no longer capable of doing manual labor.

Mr. KENNEDY. Where did the brick hit you, on the side?

Mr. HERMAN. Right frontal plate.

Mr. KENNEDY. Do you still have scars there?

Mr. HERMAN. There is a scar in here and there is a long scar going through my head where they inserted this plate.

Mr. KENNEDY. That is where the plate is in your head now?

Mr. HERMAN. Yes.

Mr. KENNEDY. You have not been able to do manual labor?

Mr. HERMAN. No, I am not capable. I was awarded a 50-percent disability by the New York Compensation Board.

Mr. KENNEDY. Did they ever find who was responsible for it?

Mr. HERMAN. No.

Mr. KENNEDY. You never were able to return to your old work?

Mr. HERMAN. No. I am still employed by the same company but I am now employed in the capacity as a salesman.

Mr. KENNEDY. Did it bother you much after that?

Mr. HERMAN. It still bothers me. I am still under the doctor's treatment.

Mr. KENNEDY. This some 3 years later?

Mr. HERMAN. That is right. Almost 3 years to the day.

Mr. KENNEDY. That was just because you drove a truck in there?

Mr. HERMAN. Just because I drove a truck to make a delivery.

Mr. KENNEDY. Mr. Chairman, as we brought out this morning, the employees had not voted to strike and had not voted to support the union. It was outside pickets that came and set up there, and no approach had been made to the employer.

So we have this violence that took place and the approach that was made allegedly, according to the testimony, through Mr. Feldman for a \$50,000 payoff which would end the violence and end the strike. When payment was not made, the strike continued, and the violence continued, and these are some of the results.

The CHAIRMAN. Who did you call? You said on your way to Philadelphia you were instructed to stop at Camden.

Mr. HERMAN. Yes. I called Superintendent Barney of Horn & Hardart.

The CHAIRMAN. At that time he told you——

Mr. HERMAN. He said trucks were coming in so I figured it was safe to go in.

The CHAIRMAN. When you got there you found this large group of people?

Mr. HERMAN. Yes.

The CHAIRMAN. I think you said they were men?

Mr. HERMAN. Yes.

The CHAIRMAN. Did you proceed to unload?

Mr. HERMAN. I figured once I am there, I might just as well get rid of the load.

The CHAIRMAN. When you left you had an escort out to where?

Mr. HERMAN. To the Camden-Philadelphia Bridge.

The CHAIRMAN. Right after you crossed that——

Mr. HERMAN. After we crossed the bridge, we paid our toll and continued along the Admiral Wilson Boulevard and then the truck was cut off and forced to slow down.

The CHAIRMAN. How was it cut off?

Mr. HERMAN. By a passenger car coming alongside and cutting in front of the truck.

The CHAIRMAN. Couldn't you have gotten it out of the way?

Mr. HERMAN. I was not driving. I was sitting in the helper's seat. Had I been driving, I would have driven over the car.

The CHAIRMAN. They got you stopped?

Mr. HERMAN. Yes, they did.

The CHAIRMAN. How many men beat you up?

Mr. HERMAN. They threw bricks. I would say there were 4 or 5 men waiting on the side.

The CHAIRMAN. You got injured by reason of the brick throwing?

Mr. HERMAN. A brick coming through the window and hitting me in the head.

The CHAIRMAN. You have no idea who your assassins were?

Mr. HERMAN. No, I wish I did.

The CHAIRMAN. I wish we did, too. I wish we all did. They haven't got the courage, the manhood to come up and admit it. You know that, don't you?

Mr. HERMAN. I do.

The CHAIRMAN. They are cowards. You know that, don't you?

Mr. HERMAN. Yes.

The CHAIRMAN. A brave man would not take that advantage of anyone.

Mr. HERMAN. If I could have fought 1 at a time, I can't fight 20 of them.

The CHAIRMAN. How many?

Mr. HERMAN. As many as there were. I don't know.

The CHAIRMAN. There were a number of them?

Mr. HERMAN. That is right.

The CHAIRMAN. Any questions?

Senator CURTIS. How big a crowd was there? I am not speaking of those who took part in the attack upon you.

How big was the entire group?

Mr. HERMAN. At Horn & Hardart commissary?

Senator CURTIS. Yes, where you attempted to back in your truck.

Mr. HERMAN. I would say 20, 30, 40 men, perhaps more.

Senator CURTIS. You haven't received any damages from any of them?

Mr. HERMAN. Pardon me?

Senator CURTIS. You received no damages from any of the unions involved?

Mr. HERMAN. No, sir.

Senator CURTIS. When did this happen?

Mr. HERMAN. What, the accident?

Senator CURTIS. Yes.

Mr. HERMAN. May 9, 1955.

Senator CURTIS. I don't know what the law is up there as to the statute of limitations with regard to such actions, but certainly those men out there were agents of the four unions involved, and I think those unions ought to compensate you for your damages.

The law is somewhat defective in fixing the responsibility upon them. On the other hand, in some jurisdictions sizable judgments have been awarded.

Those agents—those 30 or 40 men out there—were acting for 4 unions, and every one of them are responsible.

In my State we have had some sizable judgments awarded against the union for such actions. It is only right and fair, because any other group in the United States would be held responsible for their employees and agents.

I am not lecturing you. That is not your responsibility. If those organizations up there are honorable people, they would compensate you.

The CHAIRMAN. If there are no other questions, thank you very much, sir.

What I have said to the other two gentlemen who have preceded you certainly applies to you, and if you are molested in any way, let us know about it.

Mr. HERMAN. Thank you.

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Shortey Feldman. Samuel Feldman.

The CHAIRMAN. Will you be sworn, please.

You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FELDMAN. I do.

The CHAIRMAN. Be seated.

### TESTIMONY OF SAMUEL FELDMAN

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. FELDMAN. Samuel Feldman is my name.

The CHAIRMAN. A little louder.

Mr. FELDMAN. Samuel Feldman.

The CHAIRMAN. Where do you live?

Mr. FELDMAN. 1124 Unruh Avenue, Philadelphia.

The CHAIRMAN. What is your business or occupation?

Mr. FELDMAN. I refuse to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Are you ashamed of it?

Mr. FELDMAN. I am not ashamed of it.

The CHAIRMAN. Why don't you answer? Do you think it might incriminate you?

Mr. FELDMAN. Yes, sir.

The CHAIRMAN. Are you engaged in such a business that if you answered and told the truth about what it is you think it might tend to incriminate you, is that correct?

(No response.)

The CHAIRMAN. Answer.

Mr. FELDMAN. I said the question may tend to incriminate me.

The CHAIRMAN. I am talking about the answer. Would the answer, if you told the truth, tend to incriminate you? The question won't incriminate you.

Mr. FELDMAN. I don't know.

The CHAIRMAN. I didn't understand you.

Mr. FELDMAN. I don't know.

The CHAIRMAN. You don't know. Do you have a lawyer?

Mr. FELDMAN. No, sir.

The CHAIRMAN. All right. You are giving us the implication here that you may be one of these thugs, these muscle men, one of these crooks and extortionists who go around and beat people up.

Do you want to deny that? Are you?

Mr. FELDMAN. Am I?

The CHAIRMAN. Yes.

Mr. FELDMAN. No, I am not.

The CHAIRMAN. All right. What is it that you do? What kind of business are you in?

Mr. FELDMAN. I refuse to answer that question.

The CHAIRMAN. I didn't understand you.

Mr. FELDMAN. I said I refuse to answer that question.

The CHAIRMAN. You better have some reason for refusing to answer.

Mr. FELDMAN. I gave you the reason.

The CHAIRMAN. You better give another one right now.

Mr. FELDMAN. Because it will tend to incriminate me.

The CHAIRMAN. It will tend to incriminate you?

Mr. FELDMAN. That is right.

The CHAIRMAN. Proceed, Mr. Counsel.

Mr. KENNEDY. What sort of work do you do, Mr. Feldman?

Mr. FELDMAN. I refuse to answer on the grounds it may tend to incriminate me.

(At this point, the following members were present: Senators McClellan, Ervin, Curtis, and Goldwater.)

Mr. KENNEDY. Are you getting pay by any labor union?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Are you on the payroll of local 929?

Mr. FELDMAN. I refuse to answer that question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And at the same time you have been receiving money from employers?

Mr. FELDMAN. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. What is it in your career, your background, that made local 929 select you as a business agent?

Mr. FELDMAN. I refuse to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Have you always been interested in the workingman and improving his lot?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Have you always felt during your life that you would like to work and help and assist the workingman, Mr. Feldman?

Mr. FELDMAN. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. How many times have you been arrested, Mr. Feldman?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Isn't it correct that you have been arrested 18 times?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. And you have six convictions, isn't that right?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. How many penitentiaries have you served in?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. Was it because of your criminal background that you were employed as a business agent for the union?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. Proceed.

Mr. KENNEDY. In answer to that, according to our records, he was convicted——

The CHAIRMAN. Read our records to him. We will ask him if he is correct.

Mr. KENNEDY. On the penitentiaries, he served, entering to steal, conspiracy, carrying burglary tools, 1929, served 3 to 10 years at Eastern State Penitentiary, 9 years' probation. Then in 1935, burglary, attempted grand larceny, second degree, he served 4 years in Sing Sing and there are other arrests from shoplifting, robbery at point of gun, highway robbery, larceny of touring car, and a number of others. He has as I say, 6 convictions and 18 arrests.

The CHAIRMAN. Is there anything wrong with our record? Is it correct?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. I think I am going to believe that it is correct. Maybe a lot of other people are going to believe that it is correct, unless you deny it.

Do you want to leave the record that way?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. The record will be left that way on your refusal to answer.

Mr. KENNEDY. Do you know Mr. Freedman?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.



Mr. KENNEDY. Do you know Joseph Solomon Freedman?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Did you have a conversation, a number of conversations, with Mr. Freedman, wherein you stated that you could settle the strike, the Horn & Hardart strike, for the payment of \$50,000?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. And that payment of \$50,000 would have to be split three ways?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Didn't you in fact have that conversation?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Do you deny having the conversation with him?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Who were the other two individuals that you had to split the \$50,000 with?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. If you did that, and were offering to do it, you were offering to sell out your union, were you not?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. If your union had a strike going, a justified strike, and in the interest of the working people that paid their dues to the union, and you offered to do that and would have done it, then you would have been betraying the men who work and pay the dues, wouldn't you?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. Don't you think, don't you really think, that a common thief has more stature and character than a man who would do that to the men who work?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. I don't think your opinion about it is important. I think everyone else can judge accordingly.

Proceed, Mr. Counsel.

Mr. KENNEDY. Do you know Mr. Ray Cohen?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Have you been on the payroll of any employers at all, Mr. Feldman?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Have you attempted to get money from any other employers, other than Horn & Hardart?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Do you know who is responsible for the violence in the Horn & Hardart strike?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Haven't the unions with which you have been associated, or individuals with which you have been associated during your career been involved in extortions and in violence?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. That is all.

The CHAIRMAN. Are there any questions from members of the committee?

Senator ERVIN. How long have you been business agent of the local?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Senator ERVIN. On November 24, 1924, you were convicted of larceny by shoplifting in Philadelphia and sentenced to 6 months in prison, weren't you?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Senator ERVIN. That wouldn't incriminate you, because that is already behind you.

Now I will ask you the question again: Were you not convicted of larceny by shoplifting in 1924, in Philadelphia, and spent 6 months in prison?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Senator ERVIN. How long have you been a business agent?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Senator ERVIN. I will ask you if you weren't in 1929, convicted in Philadelphia of conspiracy to steal and conspiracy to carry burglary tools, and if you weren't sentenced to the Eastern State Penitentiary for 3 to 10 years and placed on probation for 9 years?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Senator ERVIN. That wouldn't incriminate you, because that is behind you.

I will ask you if in 1930, you weren't tried in New York City on a charge of burglary and attempted grand larceny and sentenced to 4 years in Sing Sing Prison.

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

Senator ERVIN. You are now business agent for a local. Does your local have a business agent with a record like that?

Mr. FELDMAN. I refuse to answer on the ground that it may tend to incriminate me.

The CHAIRMAN. Is there anything further?

Senator CURTIS. I have one question.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. The answer to this question will not incriminate you at all, but I am interested in it.

Do you feel that your training and experience of the past fits you for the work you are now engaged in?

Mr. FELDMAN. I refuse to answer that question on the ground that it may tend to incriminate me.

Senator CURTIS. Mr. Chairman, I submit that it could not. That is all, Mr. Chairman.

(At this point, Senator Goldwater withdrew from the hearing room.)

The CHAIRMAN. The Chair will make this observation: This has become rather commonplace as far as the experience and work of this committee is concerned. We find over and over these crooks, thieves, robbers, burglars, unreformed criminals, occupying positions of trust and responsibility with respect to labor organizations.

I think it is a great evil. I think it is an imposition upon the men who work, who are honest and who go out and earn a day's salary or wages, to be dominated by these people.

Therefore, the chairman has introduced a bill, which, if enacted into law, will make men such as this ineligible to hold office in or to represent a labor organization.

I believe they are unfit. I think the American public feels the same way about it, and I hope, too, the Congress will agree with both me and the public.

You may stand aside.

Call the next witness.

The Chair, in speaking of these things, is not speaking of these decent labor unions. I am talking about those where they let these crooks infiltrate into them, dominate the men, control them, exploit the management of the union itself, and then they cannot tell where they work or why they work or how they are employed, what they do. I think it is a great imposition on the workingmen of this country to have such men in office.

Proceed.

Mr. KENNEDY. Mr. Chairman, we have gone into this in general outlines, the violence of the Horn & Hardart strike. We have some charts here which indicate the violence in connection with the strikes in labor matters which local 107 was interested in after Raymond Cohen and his group and organization took over the local in 1954. I would like to have permission to put those charts up at this time.

The CHAIRMAN. While the staff is placing the charts in position, we will take a 2-minute recess.

(Brief recess.)

(At the recess, the following members were present: Senators McClellan, Ervin, and Curtis.)

(At this point, the following members of the committee were present: Senators McClellan, Ervin, and Curtis.)

The CHAIRMAN. The committee will come to order.

Call the next witness, Mr. Counsel.

Mr. KENNEDY. Mr. Chairman, I would like to have these charts introduced and call the investigator, Mr. Leo Nulty.

The CHAIRMAN. Mr. Nulty, can you come around. You have already been sworn?

Mr. NULTY. Yes; I have been sworn, Mr. Chairman.

## TESTIMONY OF LEO C. NULTY—Resumed

The CHAIRMAN. Mr. Nulty, there have been some charts presented to the committee. Will you identify these charts. I believe they are one and the same, are they not?

Mr. NULTY. Yes, sir. There are 2 sections of 1 chart.

The CHAIRMAN. Two sections of one chart?

Mr. NULTY. That is correct.

The CHAIRMAN. What do these charts represent?

Mr. NULTY. These represent acts of violence which occurred in Philadelphia beginning in 1954 and running up to recently which are attributable to the Teamsters Locals 107 and 596.

The CHAIRMAN. These charts, then, have identification on them of vandalism or violence, related to strikes or labor disputes where these two unions were involved; is that correct?

Mr. NULTY. That is correct.

The CHAIRMAN. From 1954, beginning with June 1954. That appears to be item No. 1 on your chart.

Mr. NULTY. Beginning with January 1954.

The CHAIRMAN. Is it January 1954, and continuing on down to August 8, 1954? Is that correct?

Mr. NULTY. That is correct, Mr. Chairman.

The CHAIRMAN. These charts may be made a single exhibit because I observe the incidents are numbered from 1 to 70. Is that correct?

Mr. NULTY. That is correct.

The CHAIRMAN. So it will be one exhibit. It will be made exhibit No. 27.

(Documents referred to were marked "Exhibit No. 27," for reference, and may be found in the files of the select committee.)

The CHAIRMAN. You may proceed with the discussion.

Senator CURTIS. May I ask a question? You have 70 incidents listed?

Mr. NULTY. Yes, sir.

Senator CURTIS. But some of those numbers involve more than one act, do they not?

For instance, I see No. 61, it says, "Paint remover thrown on 8 new cars; windshield of 4 other cars smashed; Shore Bros. Pontiac agency being picketed by local 596."

What I am pointing out is that each numbered item on there, not all of them but some of them, include several overt acts, is that not correct?

Mr. NULTY. Senator Curtis, we considered that as one act, although there were a number of pieces of damage which resulted as a result of that one act.

Senator CURTIS. It is more than one act. Nobody can throw paint remover and hit 8 cars and windshields on 4 other cars with 1 throw.

Mr. NULTY. That is certainly another way of interpreting it and certainly logical.

Senator CURTIS. Have you tabulated how many of them there were in which there was no court action? I see this last column, "Court action," and for the most part it says "None."

Mr. NULTY. I don't think you will find any convictions there, Senator.

Senator CURTIS. How many indictments have not been brought to trial?

Mr. NULTY. I can check that for you.

Senator CURTIS. You will supply that?

Mr. NULTY. Yes, sir.

Senator CURTIS. They are on the chart, but you will supply the total, if you please. That is all, Mr. Chairman.

The CHAIRMAN. All right.

Mr. KENNEDY. Mr. Chairman, we would like to call some of those individuals who were organizers.

Senator CURTIS. Excuse me. I have raised this question of the court action. I do not want to cast any reflection on someone who is not deserving of it.

What courts were these indictments brought to. What is the name of the court in Philadelphia, do you know?

Mr. NULTY. There are a number of common pleas courts in Philadelphia. Sometimes a case would appear in one and then another.

Senator CURTIS. These are in-State courts?

Mr. NULTY. That is correct, Senator.

Senator CURTIS. And not a municipal or police court?

Mr. NULTY. That is correct.

Mr. KENNEDY. Mr. Nulty, this is a minimum, is it not, actually?

Mr. NULTY. Very definitely a minimum.

Mr. KENNEDY. These are acts of violence that have been checked out and are more than just incidental acts of violence.

For instance, the Horn & Hardart people testified this morning they had more than 100 involved in their strike alone, but we took the ones that were more important.

Mr. NULTY. We took the ones we could verify also from police records and complaints having been received or investigative or prosecutive action taken.

We firmed this up from every angle or we didn't put it on the chart.

The CHAIRMAN. Thank you very much.

Call the next witness.

Mr. KENNEDY. Mr. Chairman, I would like to call some of the organizers of local 107, a number of whom have police records, and ask them whether they have any information as to who was responsible for some of these acts of violence.

(At this point, Senator Curtis left the hearing room.)

Mr. KENNEDY. Whether the fact that they were being put on the payroll of 107 and whether part of their responsibilities during this period of time was to take part in these acts of violence.

I would like to call at the beginning, Mr. Nick Frank, Mr. Michael Sobolewski, and John Elco.

The CHAIRMAN. Come around. We may have to provide another chair down there. We regret the inconvenience that we have to try to operate in such a small room. We hope in a day or two we can return to the caucus room where all of us can be more comfortable.

Mr. KENNEDY. We have Nick Frank and Sobolewski first.

The CHAIRMAN. Frank and Elco are the two witnesses. Stand up and be sworn.

You and each of you do solemnly swear that the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?



Mr. FRANK. I do.

Mr. ELCO. I do.

**TESTIMONY OF NICHOLAS FRANK AND JOHN ELCO, ACCOMPANIED  
BY JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ, OF  
PHILADELPHIA**

The CHAIRMAN. State your name—the one on the left—your place of residence, and your business or occupation.

Mr. FRANK. Nicholas Frank, Levittown, Pa.

The CHAIRMAN. Your occupation?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

The CHAIRMAN. State yours?

Mr. ELCO. John Elco, 2425 North Fifth Street. My occupation is union organizer.

The CHAIRMAN. Union organizer. Thank you very much.

The Chair wants to make this statement: In this proceedings where counsel has appeared let the record show that the same counsel is appearing that has been appearing for this group all the way through.

The Chair has warned counsel about coaching witnesses as to what their testimony shall be.

Counsel has assured the Chair and the committee on 2 or 3 different times they have not been coaching the witnesses.

The Chair has other information about it. I want to warn you again. I will very likely find out if you do, and if I come to the conclusion that you have, gentlemen, you will not appear before this committee again.

I will have no misunderstanding about it.

Mr. CARROLL. Mr. Chairman, if you come to the conclusion that we have, then I think you would be entirely correct. But I say to you again that we have abided this committee's rules and intend to continue to do so.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Frank, what sort of work do you do for local 107?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Mr. KENNEDY. I wonder if you have ever seen this.

The CHAIRMAN. This is exhibit No. 3, these two little things I hold in my hand, to this testimony.

Have you ever seen these before?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

The CHAIRMAN. Did you ever use these on anyone?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

The CHAIRMAN. Did you throw them under a car after you were chased away from this fellow's house?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

The CHAIRMAN. Do you, with all of your muscle, have to have something like this to get along with your fellow man?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

The CHAIRMAN. These look familiar to you, I assume?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Were you on the pay roll of the Teamsters Local 107 to beat people up?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Did you always make sure there were two other fellows with you?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Mr. KENNEDY. And then did you throw bricks through the windows of people?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Mr. KENNEDY. I will try you again. Did you throw bricks through the windows of truck and cars? Was that part of your job?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Mr. KENNEDY. We see from an examination of the records of local 107 that you charged to the books and records as time lost. You received substantial sums of money.

What does that mean, "time lost"?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

The CHAIRMAN. Are you paid for going out and beating people up? Is that time lost?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Do you get a bonus for it?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Mr. KENNEDY. If you are about to incriminate yourself. I would think you would be ashamed of your action.

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

The CHAIRMAN. Proceed.

(At this point, the following members were present: Senators McClellan, Ervin, and Curtis.)

Mr. KENNEDY. Are you part of or a member of a goon squad that operates out of 107?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Isn't it correct that there are about 8 or 10 of you that are on the payroll of 107 for the sole purpose of intimidating people?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Do you think you could beat up William Young? Do you think you could beat up somebody like William Young if you had something like this with you, this and two other fellows?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

The CHAIRMAN. Stand up, William Young.

Turn around there and look at him.

Do you know him?

Mr. FRANK. You are asking me?

The CHAIRMAN. Yes.

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

The CHAIRMAN. Did you help beat him up?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

The CHAIRMAN. Did you assault him after you had him down on the concrete?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Mr. Chairman, in 1955 alone, charged to time lost, and I don't know whose time was lost, but charged to time lost in 107, Mr. Nicholas Frank, Nick Frank, had checks drawn to him amounting to \$7,250.27.

What was that for, Mr. Frank?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Mr. KENNEDY. What did you do to get that money?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Mr. KENNEDY. It ranged from \$125 a week, \$145 a week, and \$150 a week. What were you doing for that money?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Can you explain any of these acts of violence that occurred in local 107? Can you explain who was responsible for any of it?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

The CHAIRMAN. Would you be a witness against yourself if you talked about it?

(The witness conferred with his counsel.)

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

The CHAIRMAN. I must assume, and I think everyone else will, that if you can't talk about it without incriminating yourself, that you must know something about it. You would not be entitled to take the fifth amendment and refuse to give evidence if the evidence is against someone else.

Unless it is against yourself, you would be using the privilege of the fifth amendment to assert that if you told the truthful answer, a truthful answer to the question might tend to incriminate you.

I can't do anything but assume that you do know something about it, something that would incriminate you, something that would be against yourself.

If you want to leave the record that way, that is your privilege.

Are these all of the checks?

Mr. KENNEDY. That is 1955. I would like to say, Mr. Chairman, that out of that \$7,250.27, \$6,525 was time lost. The rest of it was car expense. Mr. Frank only reported \$335.07 on his income tax or for the year, at least according to our information.

Is that right?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

The CHAIRMAN. I think we will send this record immediately to the Department of Justice and to the income-tax folks. It may be that you owe the Government a little money.

Mr. KENNEDY. He got a refund of \$22.50, based on the figures.

The CHAIRMAN. I hope the executive branch of the Government, those having the authority and the duty to enforce the law with respect to income taxes will proceed immediately to discharge their duty and see just how much of this \$7,000 Uncle Sam has been robbed of.

Proceed.

Mr. KENNEDY. You might correct me if I am wrong. In 1956, you received, for time lost, \$6,725, is that correct?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Mr. KENNEDY. And you reported this whole thing in 1956?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Mr. KENNEDY. And for that magnanimous gesture, the union then paid your tax for you, amounting to \$497.77, is that right?

Mr. FRANK. I decline to answer, to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Here is the check, in the same amount as the tax that was due for Nicholas Frank, \$497.

The CHAIRMAN. I present this check—

Mr. KENNEDY. That is made payable to Nicholas Frank.

Did you declare that \$497 that you received from them?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Mr. KENNEDY. I would like to ask Mr. Elco: What are your responsibilities in the local?

Senator ERVIN. Before you leave Mr. Frank, I would like to ask one question.

Can you tell this committee of one thing, a single thing, which you did for local 107, whose disclosure would not tend to incriminate you?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Senator ERVIN. That is all.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Elco, what do you do for the union?

Mr. ELCO. I am advised I don't have to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Are you also on the payroll for purposes of—

Mr. ELCO. I am advised that I don't have to be a witness against myself under the fifth amendment.

Mr. KENNEDY. One second.

The CHAIRMAN. If the witness will just be willing to cooperate a little bit, wait until the question is asked and then read your answer.

Mr. ELCO. Yes, sir.

Mr. KENNEDY. Mr. Elco, are you on the payroll of the local in order to enforce Mr. Cohen's desires and wishes?

(The witness conferred with his counsel.)

Mr. ELCO. I am advised I do not have to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Do you know any of those who were responsible for the beating up of these individuals and the other acts of violence?

Mr. ELCO. I am advised I don't have to be a witness against myself under the fifth amendment.

Mr. KENNEDY. During 1955, Mr. Elco, according to the records that we have, you received for time lost, some \$7,850.15.

Mr. ELCO. I am advised I don't have to be a witness against myself under the fifth amendment.

Mr. KENNEDY. What was the time lost?

The CHAIRMAN. Which one of you is regarded as the best musclemember of the union? I see you got a little more pay. You or the other witness?

Mr. ELCO. Is that a question, sir?

The CHAIRMAN. Yes.

Mr. ELCO. I am advised I don't have to be a witness against myself under the fifth amendment.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Out of that amount of money, you only declared \$193, is that correct, in 1955?

Mr. ELCO. I am advised I don't have to be a witness against myself under the fifth amendment.

Mr. KENNEDY. And you received a refund from the Internal Revenue Department of \$30.20, is that right?

Mr. ELCO. I am advised I don't have to be a witness against myself under the fifth amendment.

Mr. KENNEDY. What did you do for this money, Mr. Elco?

Mr. ELCO. I am advised I don't have to be a witness against myself under the fifth amendment.

Mr. KENNEDY. And what do you have to do in order to get on the payroll of the local, and put in the category of time lost?

Mr. ELCO. I am advised I don't have to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Were you responsible for beating any of these people up yourself?

Mr. ELCO. I am advised I do not have to be a witness against myself under the fifth amendment.

The CHAIRMAN. He asked you if you were responsible. I will ask you if you actually did it.

Mr. ELCO. I am advised I don't have to be a witness against myself under the fifth amendment.

The CHAIRMAN. Any further questions?

Senator ERVIN. Is there a single act for which you drew compensation from the union local, 107, which you can disclose to this committee without incriminating yourself in connection with the commission of a criminal offense?



Mr. ELCO. I am advised I don't have to be a witness against myself under the fifth amendment.

Senator ERVIN. Have you ever been convicted of a violation of criminal law?

Mr. ELCO. Yes, sir.

Senator ERVIN. What have you been convicted of?

Mr. ELCO. Well, a gang of us kids got into an automobile and took a joyride, in an undertaker's car.

Senator ERVIN. What were you charged with, larceny?

Mr. ELCO. Larceny of an automobile, 25 years ago.

Senator ERVIN. Twenty-five years ago. Have you been convicted of anything since then?

Mr. ELCO. No, sir.

Senator ERVIN. What happened to you about the undertaker's car?

Mr. ELCO. The judge reconsidered my case after 5 months and that was it.

Senator ERVIN. Before he reconsidered it, what was it?

Mr. ELCO. I was 5 months in the county prison.

Senator ERVIN. That is the only time you have ever been tried and convicted of anything?

Mr. ELCO. That is the only time I recall, sir.

Senator ERVIN. Well, you wouldn't have forgotten anything like that, would you?

Mr. ELCO. Pardon?

Senator ERVIN. You don't think it is possible you could have been tried and convicted of some crime and then forgotten about it, do you?

(The witness conferred with his counsel.)

Senator ERVIN. Is your memory so deficient that you think it is possible that you could have been tried and convicted of some crime and forgotten about it?

Mr. ELCO. The answer to that, sir, is "No."

Senator ERVIN. You still tell us that you cannot disclose any acts you did for any of this compensation you received without incriminating yourself?

Mr. ELCO. I am advised I do not have to be a witness against myself under the fifth amendment.

Senator ERVIN. Well, if you wouldn't tell us, you are telling us in effect that if you were to explain why you drew any of this compensation, that that would have a tendency to incriminate you in the commission of some crime.

(The witness conferred with his counsel.)

Mr. ELCO. It might be some evidence.

Senator ERVIN. That is all.

The CHAIRMAN. Are there any other questions?

Mr. KENNEDY. What about Nicholas Frank?

Have you ever had any convictions?

Mr. FRANK. Yes; I have.

Mr. KENNEDY. What?

Mr. FRANK. Counterfeit gasoline stamps.

Mr. KENNEDY. What was the result of it? What did you have to do?

Mr. FRANK. I had a 1 year's probation, and a 30-day suspended sentence. And a \$150 fine or \$300. I don't recall the exact amount.

Mr. KENNEDY. Have you been arrested?

Mr. FRANK. Pardon?

Mr. KENNEDY. How many times have you been arrested?

Mr. FRANK. I couldn't rightfully—I couldn't recall.

Mr. KENNEDY. How many, approximately?

Mr. FRANK. I couldn't even start to give you a figure.

Mr. KENNEDY. Do you mean it is a dozen or 2 dozen?

Mr. FRANK. It may be, and it could not be. I really don't know.

Mr. KENNEDY. You have been arrested so many times you can't remember?

Mr. FRANK. I didn't say that, Senator. I said I don't know.

Mr. KENNEDY. Were you involved in that Myhasuk situation in New Jersey?

Mr. FRANK. I decline to answer, to be a witness against myself under the fifth amendment.

Mr. KENNEDY. That is where the man, your fellow organizer, killed a man with a screwdriver?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Were you arrested in connection with that?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

The CHAIRMAN. Have you ever killed anyone?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

The CHAIRMAN. Have you ever killed anyone in your work for the union?

Mr. FRANK. I decline to be a witness against myself under the fifth amendment.

(At this point, the following members of the committee were present: Senators McClellan and Ervin.)

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Are there any further questions?

All right, stand aside, and call the next one.

Mr. KENNEDY. Mr. Sobolewski and Mr. Amoroso.

The CHAIRMAN. Mr. Charles Amoroso and Mr. Michael Sobolewski, come around.

Stand and be sworn.

You and each of you do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SOBOLEWSKI. I do.

Mr. AMOROSO. I do.

**TESTIMONY OF CHARLES AMOROSO AND MICHAEL SOBOLEWSKI,  
ACCOMPANIED BY THEIR COUNSEL, JOHN ROGERS CARROLL AND  
RICHARD H. MARKOWITZ**

The CHAIRMAN. The one on my left, will you please state your name, your place of residence, and your business or occupation?

Mr. AMOROSO. Charles Amoroso, 3847 North Sixth Street, Philadelphia, Pa.

The CHAIRMAN. What is your occupation?

Mr. AMOROSO. I decline to answer the question on the grounds I am not required to give information against myself under the fifth amendment.

The CHAIRMAN. The one on my right, will you state your name, your place of residence, and your business or occupation.

Mr. SOBOLEWSKI. Michael Sobolewski, 624 East Lippincott, Philadelphia, Pa., truckdriver.

The CHAIRMAN. Thank you very much.

The record will show the same counsel.

Proceed, Mr. Kennedy.

Mr. KENNEDY. What do you do for the union, Mr. Sobolewski?

(Witness conferred with his counsel.)

The CHAIRMAN. You can answer that question. There is nothing legal involved in it.

Proceed.

(Witness conferred with his counsel.)

The CHAIRMAN. Counsel, do you hear me?

Mr. KENNEDY. What do you do?

Mr. SOBOLEWSKI. I am asking counsel.

Mr. MARKOWITZ. I think he is a little confused by the question.

The CHAIRMAN. What do you do for the union?

Mr. SOBOLEWSKI. I have a right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. Proceed.

Mr. KENNEDY. To tell the committee what you did for the union might tend to incriminate you? Is that correct?

(No response.)

Mr. KENNEDY. Do you want to spit your gum out?

Mr. SOBOLEWSKI. It might be so.

Mr. KENNEDY. How did you happen to go on the payroll of the local?

Mr. SOBOLEWSKI. Well——

(Witness conferred with his counsel.)

Mr. SOBOLEWSKI. I have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. What was it about your background that Mr. Raymond Cohen selected you to go on the payroll?

Mr. SOBOLEWSKI. I have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Mr. Sobolewski, you also received substantial amounts of money from the union in the category of time lost. What was time lost?

Mr. SOBOLEWSKI. I have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. What were you doing for that money?

Mr. SOBOLEWSKI. I have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Were you responsible for beating any of these people up?

Mr. SOBOLEWSKI. I have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. What was it in your background, Mr. Sobolewski, that made Mr. Cohen select you?

Mr. SOBOLEWSKI. I have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. How many times have you been arrested?  
(Witness conferred with his counsel.)

Mr. KENNEDY. And how many convictions have you had?

Mr. SOBOLEWSKI. Two.

Mr. KENNEDY. What were they for?

Mr. SOBOLEWSKI. Breaking and entering.

The CHAIRMAN. Breaking an arm?

Mr. SOBOLEWSKI. Breaking and entering.

Mr. KENNEDY. When was that? You had two convictions?

Mr. SOBOLEWSKI. Yes, sir.

Mr. KENNEDY. Two convictions?

Mr. SOBOLEWSKI. Yes, sir.

Mr. KENNEDY. When were they?

Mr. SOBOLEWSKI. I think one was in 1939.

Mr. KENNEDY. Shall I tell you what our records show, and you can tell me whether it is right? You had 2 arrests, 1 in Jacksonville, in 1930, and another in Philadelphia for larceny. You had \$3 bail to keep-the-peace.

In 1933, in Philadelphia, burglary and entering to steal, larceny, You got approximately 3 years then, is that correct, 1933?

Mr. SOBOLEWSKI. I guess so.

Mr. KENNEDY. Then 1938, entering, Philadelphia, to steal and larceny, conspiracy, 9 months to 3 years in the county prison. Is that the second one?

Mr. SOBOLEWSKI. I think so.

Mr. KENNEDY. Then in 1940, larceny, receiving stolen goods and burglary, 1 to 2 years in the county prison. That is the third one?

Mr. SOBOLEWSKI. I guess so.

Mr. KENNEDY. You had forgotten about the third one?

Mr. SOBOLEWSKI. No, sir.

Mr. KENNEDY. There are 3, not 2.

Mr. SOBOLEWSKI. I said I thought it was two, sir.

Mr. KENNEDY. It is three. Then a number of other arrests occurred. In 1957, \$300 bail to keep-the-peace on breach of the peace.

Was that in connection with your union activity?

(Witness conferred with his counsel.)

Mr. SOBOLEWSKI. I refuse to be a witness against myself under the fifth amendment.

Mr. KENNEDY. That would be a fourth. I guess you just put up \$300 bail to keep the peace.

Did you keep the peace afterward?

(Witness conferred with his counsel.)

Mr. SOBOLEWSKI. I refuse to be a witness against myself under the fifth amendment.

Mr. KENNEDY. According to our records, in 1955 you received \$7,059.61 from the union.

Mr. SOBOLEWSKI. I refuse to be a witness against myself under the fifth amendment.

Mr. KENNEDY. And you declared, on your income tax, according to our records, \$207.30.

Mr. SOBOLEWSKI. I refuse to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Is that correct information that we have?  
(Witness conferred with his counsel.)

Mr. SOBOLEWSKI. I refuse to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Was this money that was charged to time lost for the goon squad that was operating for the local?

Mr. SOBOLEWSKI. I refuse to be a witness against myself under the fifth amendment.

Mr. KENNEDY. And did you go around and beat people up and throw bricks through truck windows?

Mr. SOBOLEWSKI. I refuse to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Did they have such a job on time lost prior to the time Raymond Cohen became secretary-treasurer?

Mr. SOBOLEWSKI. I refuse to be a witness against myself under the fifth amendment.

The CHAIRMAN. How many of you are on that goon squad, do you know exactly?

Mr. SOBOLEWSKI. I refuse to be a witness against myself under the fifth amendment.

The CHAIRMAN. Have you got anyone on it that don't have a criminal record?

Mr. SOBOLEWSKI. I refuse to be a witness against myself under the fifth amendment.

The CHAIRMAN. Do you know the names of all of them who are on that squad that worked with you?

Mr. SOBOLEWSKI. I refuse to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Mr. Amoroso, what do you do for the local?

Mr. AMOROSO. I decline to answer the question and have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Are you also in the category of the goon squad that operates out of local 107?

Mr. AMOROSO. I decline to answer that question.

Mr. KENNEDY. Did you receive money charged to time lost?

Mr. AMOROSO. I decline to answer and have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. What was in your background that made Mr. Cohen select you?

Mr. AMOROSO. I decline to answer and have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. How many times have you been arrested?

Mr. AMOROSO. Five or six times.

Mr. KENNEDY. Any convictions?

Mr. AMOROSO. None, to my memory.

Mr. KENNEDY. None, to your memory?

Mr. AMOROSO. No. I think it was a peace bond at one time.

Mr. KENNEDY. Was that an assault and battery on an officer?

Mr. AMOROSO. That is correct, sir.

Mr. KENNEDY. That was in 1954?

Mr. AMOROSO. I don't recall.

Mr. KENNEDY. What?

Mr. AMOROSO. I don't remember the date.



Mr. KENNEDY. And you also had \$300 bail to keep the peace in 1957? Is that right?

Mr. AMOROSO. I really don't remember.

Mr. KENNEDY. Were you arrested in 1957 in connection with the trespassing on railroad property?

Mr. AMOROSO. I decline to answer the question.

Mr. KENNEDY. In connection with the Franklin Paint & Varnish strike? Were you arrested in connection with that?

Mr. AMOROSO. I decline to answer that question and have the right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Do you know who is responsible for any of these acts of violence?

Will you spit the gum out or swallow it?

Mr. AMOROSO. I swallowed it.

Mr. KENNEDY. Good. Do you know who is responsible for any of these acts of violence?

Mr. AMOROSO. I decline to answer that question and have the right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Do you know Mr. Raymond Cohen?

Mr. AMOROSO. I decline to answer the question and have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Do you know Benjamin Lapensohn?

Mr. AMOROSO. I decline to answer the question and have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Why was it necessary to have all you men around the union hall after Cohen took over?

Mr. AMOROSO. I decline to answer the question and have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Do you know how many times the 13 organizers have been arrested?

Mr. AMOROSO. I decline to answer the question and have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Do you know how many times they have been arrested? Do you know that?

Mr. AMOROSO. I decline to answer the question and have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. According to our records, the organizers alone that come under this category of receiving money in this category of time lost have been arrested 75 times and have had 25 convictions.

Did you know that?

Mr. AMOROSO. I decline to answer the question and have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Are you selected for your position to do this work based on how many time you have been arrested or convicted?

Mr. AMOROSO. I decline to answer the question and have a right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. One individual, whose name we might give, Mr. Chairman, has not been arrested or convicted, according to our records, and that is Mr. Jack Snyder. All the others have some arrests or convictions.

The CHAIRMAN. I am glad to know that. I don't want to reflect on anybody who had not been.

The Chair was under the impression that all had been arrested or in the penitentiary. If there is anyone who was not, we ought to let the record so show in order to do justice to him.

Let the record so show.

Senator Ervin.

Senator ERVIN. I am sorry all of you invoked the fifth amendment when you were asked about how a man goes about getting compensation for losing time because if you know how that is done, I would like to apply for a job.

When a man gets paid for losing time, I just wonder if either one of you would tell me how that works.

How do you go about getting a job, or getting paid six or seven thousand dollars for losing time?

(No response.)

The CHAIRMAN. Are there any other questions?

All right, stand aside and call the next 2 or 3.

Mr. KENNEDY. Jack Snyder and Louis Battle.

The CHAIRMAN. Be sworn. Do you and each of you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SNYDER. I do.

Mr. BATTLE. I do.

**TESTIMONY OF LOUIS E. BATTLE AND JACOB SNYDER, ACCOMPANIED BY THEIR COUNSEL, JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ**

The CHAIRMAN. The one on my left, state your name, your place of residence, and your business or occupation.

Mr. BATTLE. Louis E. Battle; I reside at 51 North Hirst Street, Philadelphia, Pa. I am a truckdriver.

Mr. SNYDER. Jacob Snyder, 1424 Elbridge Street, Philadelphia, Pa.; I am a truckdriver.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Snyder, do you do some work for the local?

Mr. SNYDER. I decline to answer that question, because I am not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Mr. Chairman, we don't have any derogatory information on Mr. Snyder other than that he received some money. He has no criminal record. Have you been arrested, Mr. Snyder?

Mr. SNYDER. Yes; I have been arrested.

Mr. KENNEDY. I was wrong about that. How many times have you been arrested?

Mr. SNYDER. Two times.

Mr. KENNEDY. Two times?

Mr. SNYDER. Yes.

Mr. KENNEDY. Have you had any convictions?

Mr. SNYDER. No, sir.

Mr. KENNEDY. How long ago were the arrests?

Mr. SNYDER. I was a young boy, about 25 or 30 years ago.

Mr. KENNEDY. All we have in connection with Mr. Snyder, and I didn't know about the arrests, but they still are 25 years ago, was

on this time lost. I hoped that you would be able to give us some information regarding what the time lost means and why you individuals are on this payroll.

(The witness conferred with his counsel.)

Mr. SNYDER. I decline to answer that question for the same reason.

Mr. KENNEDY. You received \$5,808.32 as time lost in 1955. What did you do for that?

Mr. SNYDER. I decline to answer that question for the same reason.

The CHAIRMAN. Did he report it on his income tax?

Mr. SNYDER. Yes, sir.

Mr. KENNEDY. Did you report it on your income tax?

Mr. SNYDER. Yes.

Mr. KENNEDY. The total amount of money you received?

(The witness conferred with his counsel.)

Mr. SNYDER. I decline to answer that question under the fifth.

The CHAIRMAN. You just stated that you did report it. Did you or didn't you?

Mr. SNYDER. I decline to answer that question.

The CHAIRMAN. You stated you did. You have already answered.

(The witness conferred with his counsel.)

Mr. SNYDER. I didn't answer that.

The CHAIRMAN. You answered when he asked you if you reported it on your income tax. You answered "Yes." I asked you if you reported all the money you received from that union.

(The witness conferred with his counsel.)

The CHAIRMAN. You can answer that "Yes" or "No," or take the fifth amendment.

Mr. SNYDER. Yes, sir.

The CHAIRMAN. Which do you want to do?

Mr. SNYDER. I decline to answer that question, not to be a witness against myself under the fifth amendment.

The CHAIRMAN. There is a way of finding out. You don't have to answer it if you don't want to.

Counsel, again for the record, I will say that all of these who are drawing this money and not accounting for it to the Internal Revenue Service, a transcript of their testimony, and the records we have, will be transmitted to the Internal Revenue Service, and the Department of Justice, for their further attention.

Proceed.

Mr. KENNEDY. Mr. Battle, what do you do for the union?

Mr. BATTLE. I am a truckdriver, sir.

Mr. KENNEDY. Do you do any work for the local itself, local 107?

Mr. BATTLE. I decline to answer that question, sir. Under my constitutional prerogative, as guaranteed in the fifth amendment, that I not be required to give evidence against myself.

The CHAIRMAN. Would it be giving evidence against yourself if you answered it?

Mr. BATTLE. It might be, sir.

The CHAIRMAN. You think it might be incriminating, do you say? Is that right?

Mr. BATTLE. There might be, sir.

The CHAIRMAN. All right.

Mr. KENNEDY. In 1955, according to the information that we have received, you were on the payroll of the local receiving money as time lost amounting to \$4,733.

Is that correct?

Mr. BATTLE. Respectfully, sir, I exercise the constitutional prerogative, as guaranteed under the fifth amendment, that I not be required to give evidence against myself.

The CHAIRMAN. Did he report it on his income tax?

Mr. KENNEDY. We don't have that information.

The CHAIRMAN. Did you report it on your income tax?

Mr. BATTLE. Again, sir, the same answer.

The CHAIRMAN. What was the answer?

Mr. BATTLE. I now exercise my constitutional prerogative, as guaranteed under the fifth amendment, that I not be required to give evidence against myself.

The CHAIRMAN. Proceed.

Mr. KENNEDY. These individuals didn't receive as much money as some of the others that we have had, Mr. Chairman. I had hoped that they might give us some information as to what their duties and responsibilities were.

The CHAIRMAN. All of these fellows who were appearing before us in the last few minutes, all of them were trembling with fear. You can tell it from looking at them. They are afraid to tell what they did.

Proceed.

Mr. KENNEDY. Have you ever been arrested, Mr. Battle?

Mr. BATTLE. I didn't understand you.

Mr. KENNEDY. Have you ever been arrested?

Mr. BATTLE. Yes, I have.

Mr. KENNEDY. Have you any convictions?

Mr. BATTLE. One, I believe.

Mr. KENNEDY. How many times have you been arrested?

Mr. BATTLE. Three times, to my knowledge.

Mr. KENNEDY. What was the conviction for?

Mr. BATTLE. A fist fight, sir.

Mr. KENNEDY. How long ago was that?

Mr. BATTLE. 1936.

Mr. KENNEDY. Was that involved with any union?

Mr. BATTLE. No, sir.

Mr. KENNEDY. How much time did you serve, if any?

Mr. BATTLE. Ninety days.

Mr. KENNEDY. Do you know anything about any of these acts of violence, who is responsible for any of them?

Mr. BATTLE. Again I resort to the fifth amendment, sir, which suggests that I not be required to give evidence against myself.

Mr. KENNEDY. That is all.

The CHAIRMAN. Are there any other questions?

If not, stand aside.

Call the next witness.

Mr. KENNEDY. Harry Lindsay and Samuel Cutillo.

(At this point, the following members were present: Senators McClellan, Ervin, Goldwater.)

The CHAIRMAN. Be sworn.

Do you and each of you solemnly swear the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LINDSAY. I do.

Mr. CUTILLO. I do.

**TESTIMONY OF HARRY LINDSAY AND SAMUEL CUTILLO, ACCOMPANIED BY JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ, COUNSEL**

The CHAIRMAN. The one on my left, what is your name?

Mr. CUTILLO. Samuel Cutillo.

The CHAIRMAN. Where do you live, Mr. Cutillo?

Mr. CUTILLO. 419 Martin Drive, New Castle.

The CHAIRMAN. What is your business or occupation?

Mr. CUTILLO. Organizer, union organizer.

The CHAIRMAN. For what local?

(The witness conferred with his counsel.)

Mr. CUTILLO. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. What is your name, please?

Mr. LINDSAY. Harry E. Lindsay.

The CHAIRMAN. Lindsay?

Mr. LINDSAY. That is right.

The CHAIRMAN. What is your business or occupation?

Mr. LINDSAY. Union organizer.

The CHAIRMAN. Where do you live?

Mr. LINDSAY. 1016 West Erie Avenue, Philadelphia.

The CHAIRMAN. All right, Mr. Counsel, proceed.

Mr. KENNEDY. What are your responsibilities over there in Wilmington? What do you do, Mr. Cutillo?

Mr. CUTILLO. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. How long have you been an organizer for the local?

Mr. CUTILLO. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Were you an organizer prior to the time Ray Cohen became secretary-treasurer?

Mr. CUTILLO. I decline to answer the question on the ground I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. You also received some money for time lost?

Mr. CUTILLO. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Your time lost did not begin until 1956. Can you tell us what you received that for?

Mr. CUTILLO. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.



Mr. KENNEDY. \$3,165 in lost time in 1956. Do you know what that was for? Can you tell us what it was for?

Mr. CUTILLO. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. How many times have you been arrested?

Mr. CUTILLO. A couple, I guess.

Mr. KENNEDY. A couple, you guess? How many times?

Mr. CUTILLO. I don't recall.

Mr. KENNEDY. Have you ever had any convictions?

Mr. CUTILLO. I don't recall.

Mr. KENNEDY. You don't recall?

Mr. CUTILLO. No, sir.

Mr. KENNEDY. What about 1931, carrying concealed and deadly weapon, fined \$100 and costs, and three months, do you remember that?

Mr. CUTILLO. Yes, sir.

Mr. KENNEDY. Is there anything else?

Mr. CUTILLO. I do not recall.

Mr. KENNEDY. 1937, breaking and entering, larceny of auto, 6 months. Do you remember that?

Mr. CUTILLO. I guess so.

Mr. KENNEDY. What about 1945, Wilmington, Del., fined \$1 for discharging a firearm in the city. What was that?

Mr. CUTILLO. Yes, sir.

Mr. KENNEDY. What was that in connection with?

Mr. CUTILLO. I was out on a dump shooting rats.

The CHAIRMAN. Shooting rats?

Mr. CUTILLO. Yes, sir.

Mr. KENNEDY. Real ones? What do you do for the local?

Mr. LINDSAY. I am an organizer.

Mr. KENNEDY. What are your responsibilities?

(The witness conferred with his counsel.)

Mr. LINDSAY. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Are part of your duties of a criminal nature? Do you beat people up, destroy property, commit vandalism?

Mr. LINDSAY. I decline to answer the question on the ground I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Would you be giving evidence against yourself if you admitted you were doing those things and that is what you were employed for?

Mr. LINDSAY. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. How many times have you been arrested?

Mr. LINDSAY. Two or three.

Mr. KENNEDY. Have you had any convictions?

Mr. LINDSAY. One.

Mr. KENNEDY. What was that for?

Mr. LINDSAY. Larceny of an auto about 35 years ago.

Mr. KENNEDY. How long ago?

Mr. LINDSAY. About 35 years, I think. I was about 16 or 17 years old.

Mr. KENNEDY. 35 years ago?

Mr. LINDSAY. Something like that.

Mr. KENNEDY. Have you had any other convictions other than that?

Mr. LINDSAY. Corner lounging.

Mr. KENNEDY. What?

Mr. LINDSAY. Corner lounging, and stuff like that.

Mr. KENNEDY. Corner lounging?

Mr. LINDSAY. Yes.

Mr. KENNEDY. How many times have you been arrested?

Mr. LINDSAY. About 4 or 5 or something.

Mr. KENNEDY. Four or five or six?

Mr. LINDSAY. I say 4 or 5.

Mr. KENNEDY. How many convictions?

Mr. LINDSAY. Do you mean serving time?

Mr. KENNEDY. How many convictions?

How many times have you been found guilty?

Mr. LINDSAY. I don't recall.

Mr. KENNEDY. Out of the 4 or 5 times you have been arrested, how many times have you been found guilty?

Mr. LINDSAY. I don't recall.

Mr. KENNEDY. You say in that the last time it was 35 years ago?

Mr. LINDSAY. That is right.

Mr. KENNEDY. What about 1946? Were you arrested for larceny of two automobiles?

Mr. LINDSAY. When?

Mr. KENNEDY. 1946.

Mr. LINDSAY. I don't recall.

Mr. KENNEDY. You would remember. Where were you in 1946? (The witness conferred with his counsel.)

Mr. LINDSAY. I don't recall.

Mr. KENNEDY. Where were you the year after the war? Where were you?

Mr. LINDSAY. In Philadelphia.

Mr. KENNEDY. Well, were you arrested in connection with larceny of stealing two automobiles?

Mr. LINDSAY. Not that I recollect.

Mr. KENNEDY. Were you arrested in 1946 for anything, the year after the war?

Mr. LINDSAY. I got in some labor trouble.

Mr. KENNEDY. Were you in the local at the time?

Mr. LINDSAY. Yes.

Mr. KENNEDY. Were you convicted? Did you serve any time in 1946 or 1947?

Mr. LINDSAY. No.

Mr. KENNEDY. You did not?

Mr. LINDSAY. No.

Mr. KENNEDY. The last time you served any time was 35 years ago?

Mr. LINDSAY. Something like that.

Mr. KENNEDY. Do you know where Camp Hill is?

Mr. LINDSAY. Yes.

Mr. KENNEDY. Did you ever serve any time there?

Mr. LINDSAY. Yes.

Mr. KENNEDY. When was that?

Mr. LINDSAY. About 35 years ago.

Mr. KENNEDY. That was the time?

Mr. LINDSAY. That was the Hunterdon Reformatory then.

Mr. KENNEDY. But you didn't serve any time in 1946 there?

Mr. LINDSAY. No, sir.

(The witness conferred with his counsel.)

Mr. KENNEDY. What do you do for this time-lost pay that you receive from the local?

Mr. LINDSAY. I decline to answer the question on the ground I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Do you know any people responsible for these acts of violence?

Mr. LINDSAY. I decline to answer on the ground I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Were you responsible yourself personally for any of them?

Mr. LINDSAY. I decline to answer the question on the ground I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Do you receive your instructions from Raymond Cohen?

Mr. LINDSAY. I decline to answer the question on the ground I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. According to our information, you received \$6,774.65 from the local, charged to time lost.

(At this point, Senator Ervin withdrew from the hearing room.)

Mr. KENNEDY. Did you receive that money?

Mr. CARROLL. Could we have the year on that?

Mr. KENNEDY. 1955. Did you receive that money?

Mr. LINDSAY. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. What was the money for?

Mr. LINDSAY. I decline to answer the question on the ground I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Was it connected with any of these acts of violence that you received this money?

Mr. LINDSAY. I decline to answer the question on the ground that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. That is all.

The CHAIRMAN. Are there any other questions?

If not, stand aside.

Call the next ones.

(At this point, the following members of the committee were present: Senators McClellan and Goldwater.)

Mr. KENNEDY. Mr. Arthur Friese.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FRIESE. I do.

TESTIMONY OF ARTHUR FRIESE, ACCOMPANIED BY HIS COUNSEL,  
JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ, OF  
PHILADELPHIA

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. FRIESE. Arthur Friese, 101 Penniwell Drive, New Castle, Del.

The CHAIRMAN. What is your occupation, Mr. Friese?

Mr. FRIESE. I decline to answer that question because I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Do you have an occupation that would incriminate you?

(Witness conferred with his counsel.)

Mr. FRIESE. It might be some evidence against me.

The CHAIRMAN. In other words, you have an occupation that might give evidence against you that would incriminate you?

(Witness conferred with his counsel.)

Mr. FRIESE. I decline to answer the question on the grounds I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. I believe I will find out. I am asking you if you gave a truthful answer to that question, do you think, if you told the truth about your occupation——

Mr. FRIESE. It might be some evidence against me.

The CHAIRMAN. You honestly believe that?

Mr. FRIESE. It might be some evidence against me.

The CHAIRMAN. Do you honestly believe it, or are you just making that as an excuse and alibi not to testify?

Mr. FRIESE. I decline to answer that question on the ground——

The CHAIRMAN. You are ordered and directed to answer the question.

(Witness conferred with his counsel.)

Mr. FRIESE. It might be some evidence against me.

The CHAIRMAN. You honestly believe that it might be some evidence against you?

(Witness conferred with his counsel.)

Mr. FRIESE. Yes; I do.

The CHAIRMAN. You could have said that a while ago.

Proceed.

Mr. KENNEDY. Mr. Friese, what is your background and experience before you came with the local in 1954?

(Witness conferred with his counsel.)

Mr. FRIESE. I had considerable stenographic experience prior to coming in the local and prior to my membership in the local I was a stenographer and an office——

Mr. KENNEDY. When was that?

Mr. FRIESE. In 1948.

Mr. KENNEDY. Where did you work then?

Mr. FRIESE. I worked at Acorn Iron Supply.

Mr. KENNEDY. In 1948?

Mr. FRIESE. Yes; that is right.

Mr. KENNEDY. You started there in 1948 and you worked until when?

Mr. FRIESE. I worked there a very short time.

Mr. KENNEDY. Then what did you do?

(Witness conferred with his counsel.)

Mr. FRIESE. Then I got a job helping on a truck.

Mr. KENNEDY. What company did you work for then?

Mr. FRIESE. Galloway Bros. Transportation Co.

Mr. KENNEDY. Is that when you joined local 107?

(Witness conferred with his counsel.)

Mr. FRIESE. Yes; it is.

Mr. KENNEDY. Did you work with the trucking company from then on, from 1949?

(Witness conferred with his counsel.)

Mr. KENNEDY. Up to 1954?

Mr. FRIESE. Until when?

Mr. KENNEDY. From 1949 to 1954 did you work for a trucking company?

Mr. FRIESE. Yes, sir.

Mr. KENNEDY. Prior to this job that you took as secretarial work, what were you doing prior to that time?

Mr. FRIESE. Prior to 1948?

Mr. KENNEDY. Yes.

Mr. FRIESE. I was in prison.

Mr. KENNEDY. What had you been sent to prison for?

Mr. FRIESE. Breaking and entering and carrying explosives.

Mr. KENNEDY. How did you happen to go on the payroll of local 107?

(Witness conferred with his counsel.)

Mr. FRIESE. I decline to answer that question on the grounds that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Were you hired because of your muscle and because of your criminal record?

Mr. FRIESE. I decline to answer that question on the fifth amendment.

Mr. KENNEDY. How many times had you been arrested?

(Witness conferred with his counsel.)

Mr. FRIESE. I can't give you the correct figure, I don't believe, but I believe it is eight.

Mr. KENNEDY. About eight times?

Mr. FRIESE. Yes, sir.

Mr. KENNEDY. Did that have anything to do with your being selected as an organizer for local 107?

Mr. FRIESE. I decline to answer that question on the grounds that I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Are you known by any other name, other than Friese?

Mr. FRIESE. Yes, I am.

Mr. KENNEDY. What is your other name?

Mr. FRIESE. John Perkins.

Mr. KENNEDY. When did you use that?

Mr. FRIESE. 25 years ago, I think.

Mr. KENNEDY. Any other name?

Mr. FRIESE. Yes.

Mr. KENNEDY. What else?



Mr. FRIESE. Arthur Barnes.

Mr. KENNEDY. When were you using that?

Mr. FRIESE. About 38 years ago, perhaps 40. I was only about 3 or 4 years old at the time, and it happened to be my name.

The CHAIRMAN. What was your name when you were born?

Mr. FRIESE. James Arthur Barnes.

Mr. KENNEDY. When were you born?

Mr. FRIESE. 1914.

Mr. KENNEDY. How many convictions have you had?

Mr. FRIESE. About four.

Mr. KENNEDY. We have here some 12 arrests. Would that be right, rather than eight?

Mr. FRIESE. If you are counting juvenile arrests, I don't know, counsel, or—

Mr. KENNEDY. I am starting back in 1934, which is when, I suppose, you were 20 years old, drunk and disorderly—90 days in the county jail. Then you were arrested in 1935.

1936, larceny of parked auto. You received probation and 1 year. Then, the drunk and disorderly was 90 days. Probation and 1 year was for the larceny of a parked auto in 1935.

1936, larceny of auto and merchandise; sent to Huntington Reformatory. Then 1936, breaking and entering and larceny; 10 years. Then 1938, again entering to steal, possession of burglar tools, larceny to commit felony, transportation of explosives—3 to 21 years in the county prison, paroled in 1948.

1949, assault and battery, aggravated assault and battery to kill, carrying concealed weapon, prison breach—5 years at expiration of sentence.

Did that occur in the prison?

(Witness conferred with his counsel.)

Mr. FRIESE. Yes.

Mr. KENNEDY. Again 1949, could that be possible, entering with intent to steal, larceny and prison breach—26 years you got for that?

Mr. FRIESE. No, that is incorrect.

Mr. KENNEDY. What is that?

Mr. FRIESE. The prison breach was the only charge. It was a consolidation of both charges.

Mr. KENNEDY. One is 5 years for assault and battery with intent to kill for which you received supposedly 5 years, according to our records, and then another one at the same period of time of entering with intent to commit felony, 26 years, aggravated assault and battery.

(Witness conferred with his counsel.)

Mr. FRIESE. Well, the entering with intent to commit felony, I don't understand. The assault and battery, I do, but not the entering to commit felony because I was already in at the time.

Mr. KENNEDY. Then 1945, indeterminate to 5 years for aggravated assault and battery. Would that be the same as the 1941 incident?

(At this point, Senator Curtis entered the hearing room.)

Mr. FRIESE. No, that would be the same as the 1936 one.

Mr. KENNEDY. 1951, embezzlement, fined \$50 and costs, 60, probated for 18 months.

Mr. FRIESE. That is correct.

Mr. KENNEDY. What happened? Did Mr. Raymond Cohen like this kind of record? Is that why he wanted you on the payroll?

Mr. FRIESE. I decline to answer on the grounds I am not required to give evidence against myself under the fifth amendment.

Mr. KENNEDY. Were you responsible for the beating up of some of these individuals?

Mr. FRIESE. I decline to answer that question on the grounds of the fifth amendment.

Mr. KENNEDY. And responsible for the violence that took place in connection with local 107?

Mr. FRIESE. I decline to answer that question on the grounds I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Is it necessary for Mr. Cohen to keep this gang of musclemen around him and pay them for time lost in order to protect his position in the union, to keep the rank and file members from getting control of it?

Mr. FRIESE. I decline to answer that question on the grounds that I am not required to give evidence against myself under the fifth amendment.

The CHAIRMAN. Are there any further questions?

Mr. KENNEDY. Not at this time.

The CHAIRMAN. Are there any questions, Senator?

Senator CURTIS. No, sir.

The CHAIRMAN. All right, stand aside.

Mr. KENNEDY. I would like to call Mr. Battisfore.

Mr. MARKOWITZ. He has been excused.

Mr. CARROLL. He was excused last week.

Mr. KENNEDY. One moment.

Joseph Hartsough.

Mr. Chairman, I thought we would get the bookkeeper in here for the local so he could explain all these things.

The CHAIRMAN. All right.

You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HARTSOUGH. I do.

#### TESTIMONY OF JOSEPH HARTSOUGH, ACCOMPANIED BY HIS COUNSEL, JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ, OF PHILADELPHIA

The CHAIRMAN. What is your name, your place of residence, and your business or occupation?

Mr. HARTSOUGH. Joseph Hartsough, 1207 St. Clair Road, Oreland, Pa., secretary-bookkeeper.

The CHAIRMAN. You say you are bookkeeper?

Mr. HARTSOUGH. That is correct.

The CHAIRMAN. For whom?

(Witness conferred with his counsel.)

The CHAIRMAN. You can state for whom.

Mr. HARTSOUGH. Highway Truck Drivers and Helpers, Local 107.

Mr. KENNEDY. Mr. Chairman, I might say for the last witness he received for time lost in 1956, \$3,165. It was not for the full year.

The CHAIRMAN. The transcript will be sent to the Justice Department.

MR. KENNEDY. What are your responsibilities as the bookkeeper?  
(Witness conferred with his counsel.)

The CHAIRMAN. There is no legal question involved in that. Either answer it or take the fifth amendment. Let us move on.

MR. HARTSOUGH. I am advised that I have a right not to be a witness against myself.

The CHAIRMAN. Proceed.

MR. KENNEDY. Can you tell us what Mr. Cohen told you as to why these individuals were on the payroll of local 107?

MR. HARTSOUGH. I have been advised that I have a right not to be a witness against myself.

MR. KENNEDY. They were, in fact, were they not, the goon squad for local 107?

MR. HARTSOUGH. I have been advised that I have a right not to be a witness against myself.

The CHAIRMAN. Are you a part of the goon squad?

MR. HARTSOUGH. I decline to answer that on the previous grounds.

MR. KENNEDY. And they received money from the local for these activities of violence that needed to be performed for Mr. Cohen?

MR. HARTSOUGH. I am advised that I have a right not to be a witness against myself.

MR. KENNEDY. Can you tell us why they received the money if that is not the reason?

MR. HARTSOUGH. I am advised I have a right not to be a witness against myself.

MR. KENNEDY. Can you tell us why so many checks were drawn to cash for local 107?

MR. HARTSOUGH. I decline to answer for the previous grounds.

MR. KENNEDY. How much money do you receive from the local?

MR. HARTSOUGH. \$150 per week.

MR. KENNEDY. Any expenses?

MR. HARTSOUGH. I have received some.

MR. KENNEDY. In accordance with how much money you spent or how much expenses you actually had?

MR. HARTSOUGH. Yes. I believe I told the counsel that on April 3 in closed session in Philadelphia; that I received reimbursed expenses for money that I spent for the local.

MR. KENNEDY. Did you receive any other money from the local?

MR. HARTSOUGH. Not that I can recall, counsel.

MR. KENNEDY. None other than that?

MR. HARTSOUGH. None that I can recall. There may be others.

The CHAIRMAN. Did you receive money for time lost?

MR. HARTSOUGH. No, sir; I did not.

The CHAIRMAN. Then can you tell us about this other money that is paid out for time lost? I don't see how it would incriminate you, if you didn't receive any of it.

MR. HARTSOUGH. I have a right not to be a witness against myself.

The CHAIRMAN. What you are doing is trying to exercise a right not to be a witness against somebody else. Isn't that the truth about it?

MR. HARTSOUGH. I decline to answer on the previous grounds, Senator.

The CHAIRMAN. I am going to require you to answer the question. Aren't you absolutely taking the position that you are taking the fifth amendment to protect someone else and not yourself?

Mr. HARTSOUGH. I am not, Senator.

The CHAIRMAN. Proceed.

Mr. KENNEDY. You have never been arrested?

Mr. HARTSOUGH. I have not, Mr. Kennedy.

Mr. KENNEDY. And you have had no convictions?

Mr. HARTSOUGH. I have not.

Mr. KENNEDY. What is there that you have to hide? You can give us this information.

Mr. HARTSOUGH. I am advised that I have a right not to be a witness against myself.

Mr. KENNEDY. Isn't it just a fact that you know what went on in the local, you know what Mr. Cohen was doing and you refuse because of fear to give us that information?

Mr. HARTSOUGH. I have no fear of Mr. Cohen, Mr. Kennedy.

Mr. KENNEDY. What is the reason you won't give us the information?

Mr. HARTSOUGH. I have been advised that I have a right not to be a witness against myself.

Mr. KENNEDY. What was Mr. Benjamin Lapensohn's position in the local?

Mr. HARTSOUGH. I am advised I have a right not to be a witness against myself.

The CHAIRMAN. Why do all of you want to protect that guy? Come on and smile and tell us. A big smile.

Mr. HARTSOUGH. I am protecting myself, Senator, and not Mr. Lapensohn.

The CHAIRMAN. You are not protecting him?

Mr. HARTSOUGH. No, sir.

The CHAIRMAN. What are you protecting yourself about?

Mr. HARTSOUGH. I have a right not to be a witness against myself.

The CHAIRMAN. Do you get some of the kickback?

Mr. HARTSOUGH. I decline to answer on the previous grounds, Senator.

The CHAIRMAN. You are a pretty decent sort of fellow. If you would come and tell us the truth, you would be a lot of help, a lot of help to honest, decent unionism and to our country.

Down in your heart you feel that way about it, don't you?

(No response.)

The CHAIRMAN. I will accept silence for consent.

Mr. KENNEDY. Mr. Hartsough, again nothing to do with you personally but we would like to find out about the 13 checks between May 13, 1955 and October 11, 1955, totaling \$12,186.22, payable to Ben Lapensohn for "personal services."

Mr. HARTSOUGH. I am advised I have a right not to be a witness against myself.

Mr. KENNEDY. That is \$12,186.22 payable to Ben Lapensohn for personal services and those checks, or 10 of those 13 checks are missing from the records.

Can you explain that to us?

Mr. HARTSOUGH. I am advised I have a right not to be a witness against myself.

Mr. KENNEDY. They were removed from the stubs to which they had been attached prior to our examination. Can you explain that?

Mr. HARTSOUGH. I decline to answer on the previous grounds.

Mr. KENNEDY. The value of the missing canceled checks was \$9,522.75. Can you tell us why Mr. Lapensohn received that money?

Mr. HARTSOUGH. I am advised I have a right not to be a witness against myself.

Mr. KENNEDY. Was Mr. Lapensohn on the payroll of the Teamsters at that time?

Mr. HARTSOUGH. I decline to answer on the previous grounds.

Mr. KENNEDY. He was on the payroll but this was extra money that he received. Can you give us any idea what the reason was that he received that money?

Mr. HARTSOUGH. I decline to answer on the previous grounds.

Mr. KENNEDY. Mr. Chairman, we don't have any information of a derogatory nature on this witness. As he stated, he has not been arrested.

We don't find that his name appears on these lists in any appreciable amount that would be anything that he would have to hide and that he could be of great assistance and help to the committee if he chose to.

The CHAIRMAN. Do you choose to?

Mr. HARTSOUGH. I am advised I have a right not to be a witness against myself.

At this point, the following members were present: Senators McClellan, Curtis, and Goldwater.)

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. You are the bookkeeper, did you say?

Mr. HARTSOUGH. I did, Senator.

Senator CURTIS. What are the duties of the bookkeeper?

Mr. HARTSOUGH. I am advised that I have a right not to be a witness against myself.

Senator CURTIS. Were you advised of what the duties were before you took the job?

Mr. HARTSOUGH. I decline to answer on the previous ground, Senator.

Senator CURTIS. If you enumerated the duties of the bookkeeper, would that incriminate you?

Mr. HARTSOUGH. I might breach my right to protect myself, Senator.

Senator CURTIS. I am not talking about any transaction, any particular fund, or anything else.

(The witness conferred with his counsel.)

Senator CURTIS. I am trying to find out what is your official position and what things are under your jurisdiction. I have asked you a simple question as to what are the duties of a bookkeeper.

Mr. HARTSOUGH. I decline to answer on the previous ground, Senator.

Senator CURTIS. Who was your immediate superior?

(The witness conferred with his counsel.)



Mr. HARTSOUGH. I am advised I have a right not to be a witness against myself.

Senator CURTIS. Did you ever make an entry in the book——

Mr. HARTSOUGH. I decline to answer the——

Senator CURTIS. Just a minute. I have not asked the question. Did you ever make an entry in the books that was not at someone else's direction which was incorrect and false?

Mr. HARTSOUGH. I am advised that I have a right not to be a witness against myself.

Senator CURTIS. You have that right, but I don't think these things relate to anything incriminating to you.

That is all, Mr. Chairman.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Mr. Hartsough, are you a CPA?

Mr. HARTSOUGH. No, sir, I am not.

Senator GOLDWATER. I have a few questions to ask you that haven't any bearing on the rest of this hearing. I hope you can answer them. Did your local ever use dues money for political purposes?

Mr. HARTSOUGH. I am advised that I have a right not to be a witness against myself, Senator.

Senator GOLDWATER. Did you use the lost time account to pay people who are participating?

Mr. HARTSOUGH. I decline to answer on the previous grounds, Senator.

Senator GOLDWATER. Do you think that might incriminate you?

Mr. HARTSOUGH. It might tend to give evidence against me, Senator.

Senator GOLDWATER. During one of the previous hearings, we heard testimony as to the existence of a fund or funds to be used by local officials when the time came for reelection. Are there such funds in your union or under your supervision and bookkeeping?

(The witness conferred with his counsel.)

Mr. HARTSOUGH. I decline to answer on the previous grounds.

Senator GOLDWATER. Do you have anything in your local that might be classified as a flower fund?

Mr. HARTSOUGH. Pardon me, Senator?

Senator GOLDWATER. A flower fund?

Mr. HARTSOUGH. A flower?

Senator GOLDWATER. Yes?

Mr. HARTSOUGH. I have never heard the expression. Would you explain it, please?

Senator GOLDWATER. Well, as I understand, another union in this country has them but they keep no books on them. It is a cash account to assist the officers of the union in their reelection efforts. They call it a flower fund. I call it a political fund.

Mr. HARTSOUGH. I decline to answer on the previous ground, Senator.

Senator GOLDWATER. Did you ever hear of one in your own union?

Mr. HARTSOUGH. I decline to answer on the previous ground, Senator.

Senator GOLDWATER. All right.

Senator CURTIS. Were you subpoenaed as a witness here?

Mr. HARTSOUGH. I was, Senator.

Senator CURTIS. Do you remember when you got your subpoena?

Mr. HARTSOUGH. I believe it was March 3. It has been postponed at weekly and biweekly intervals since then. I have been here in Washington since last Wednesday, Senator.

Senator CURTIS. When did you select your attorneys?

Mr. HARTSOUGH. I selected them some time after the subpoena, some time after March 3. I couldn't give you an exact figure, exact date.

The CHAIRMAN. Are there any further questions?

Senator CURTIS. I think that is all.

The CHAIRMAN. Are there any further questions?

All right, stand aside. Call the next one.

Mr. HARTSOUGH. Thank you, Senator.

Mr. KENNEDY. Mr. Patrick Parker and Mr. Gorman.

(At this point, the following members were present: Senators McClellan, Curtis, and Goldwater.)

The CHAIRMAN. Be sworn.

Do you and each of you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PARKER. I do.

Mr. GORMAN. I do.

**TESTIMONY OF JOHN GORMAN AND PATRICK PARKER, ACCOMPANIED BY THEIR COUNSEL, JOHN ROGERS CARROLL AND RICHARD H. MARKOWITZ**

The CHAIRMAN. The one on my left, state your name, your place of residence, and business or occupation.

Mr. GORMAN. Jack Gorman, 562 East Martin Street, Philadelphia, Pa., platform worker.

Senator GOLDWATER. Mr. Chairman, might I observe one thing before you go further? I have watched the witnesses this afternoon, and, to my memory, with the exception of Mr. Hartsough, though I was out of the room a short time, none of them have answered audibly to your request for swearing.

The CHAIRMAN. When they hold up their hand, they take the oath.

Senator GOLDWATER. I would like to hear it.

The CHAIRMAN. I administer it. I assure you as a matter of law they are actually sworn, legally, technically, sufficiently, to prosecute them for perjury if you can prove they are lying.

All right.

Proceed.

State your name and residence.

Mr. PARKER. Patrick Parker, 2034 North 13th Street, Philadelphia.

The CHAIRMAN. What do you do?

Mr. PARKER. Employed at Horn & Hardart. I work at Horn & Hardart.

The CHAIRMAN. You work at Horn & Hardart.

Mr. PARKER. Yes, sir.

The CHAIRMAN. What capacity?

Mr. PARKER. I load trucks.

The CHAIRMAN. You are a truck loader?

Mr. PARKER. Yes.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Chairman, in connection with the money that was expended by local 107 for the strike of Horn & Hardart, there were lists similar to the list we went into at the beginning of the hearing, and on the list was a group of names, opposite which there was a sum of money. We have interviewed or tried to interview a number of the individuals who were alleged to have received the money, and 2 of those that we interviewed were these 2 gentlemen in front of us today.

Mr. Patrick Parker was listed as having received amounts ranging from \$70 a week to \$30 a week, most of them \$45 and \$60 a week, over a period of about a year while he was doing some picket duty for local 107 in connection with this company.

He stated at that time that he did not receive this money; that he hadn't received these amounts of money; that at that time he was doing picket duty but he also was working at warehouses around the city, such as the warehouses of American stores and the A. & P. Co., and that local 107 had gotten these jobs for him. We called him down here to give that information to the committee.

Is it correct that you were not in fact receiving any money from local 107 during this period of time, while you were doing picket duty, Mr. Parker?

Were you?

Mr. PARKER. I am advised that if I answer that question I would state evidence against me under the fifth amendment.

The CHAIRMAN. You got it so mumbled I can't even understand it. State it again.

Mr. PARKER. I am advised I have a right to refuse to—to refuse against me.

The CHAIRMAN. I don't think you answered it accurately, but I think you are so scared you probably couldn't even memorize it, is that correct? You want to tell the truth, don't you?

Mr. PARKER. I am advised I have a right——

The CHAIRMAN. I say, you want to tell the truth. I didn't say you were going to be permitted to do it, but you want to tell the truth, don't you?

You would like to tell the truth, just like you told it when you first came down, wouldn't you?

Mr. PARKER. I am advised——

The CHAIRMAN. I don't understand you.

Mr. PARKER. No, I don't want to answer.

The CHAIRMAN. You don't want to tell the truth now? Is that what you said?

Mr. KENNEDY. Mr. Chairman?

The CHAIRMAN. Poor fellow. All right, go ahead.

Mr. KENNEDY. Mr. Chairman, he has cooperated with the committee, and he has given us information. Then in some way he has gotten these two attorneys, and he does not want to talk.

The CHAIRMAN. The Chair wants to say this. He is not doing anythink to embarass this witness. He appreciates his position and the spot he is on. But I do think the country needs to know how vicious some of these union leaders have gotten, and the power they have over

the helpless individual who is asked to work for a living. I think this points it up.

I think it is one of the most vicious things, to take people like this, put them in a situation where they can't tell the truth about whether they received money for work or did not receive it.

It just points up the need for legislative action to drive these characters who operate that way out of unionism so that decent unionism, proper unions, may survive, may have the confidence of the public of this country.

Union leaders who bring about situations like this do a great disservice, a great disservice, to the honest working people of this country. It reflects discredit upon the union that these men have to belong to who work.

It's shameful. I hope the Congress can find legislation that will correct conditions like this, and you wouldn't see some helpless fellow in here who is unable to answer the questions because he is afraid.

Proceed.

Mr. KENNEDY. The union is paying your attorneys for you, is that right? They got the attorneys for you?

The CHAIRMAN. Answer it.

(The witness conferred with his counsel.)

Mr. PARKER. That is right.

Mr. KENNEDY. Mr. Gorman was also on this list of names, Mr. Chairman. He stated that he received, while he was doing the picket duty, \$30 a week, not the \$60 and some times \$70 that was listed opposite his name. He also furnished an affidavit to that effect.

Did you receive more than \$30 a week while you were doing the picket duty, Mr. Gorman?

Mr. GORMAN. Excuse me.

(The witness conferred with his counsel.)

The CHAIRMAN. Answer the question.

Mr. GORMAN. I am advised I don't have to be a witness against myself under the fifth.

The CHAIRMAN. Under what?

Mr. GORMAN. The fifth amendment.

Mr. KENNEDY. He was listed on these records as receiving \$60 and \$70 during this period of time that he was doing strike duty and he told us the most he received each week was \$30 a week, and that is what the pickets were being paid.

I would like to ask you if that affidavit that you gave us to that effect was correct?

(The witness conferred with his counsel.)

The CHAIRMAN. Can you answer that yes or no?

(The witness conferred with his counsel.)

The CHAIRMAN. Answer the question.

Mr. Lawyer?

Mr. GORMAN. Yes.

Mr. KENNEDY. Then is the affidavit correct or not?

Mr. GORMAN. Yes.

Mr. KENNEDY. The affidavit is correct.

Mr. GORMAN. Yes.

The CHAIRMAN. The affidavit will be printed in the record at this point.

The Chair will read it into the record.

STATE OF PENNSYLVANIA,

*County of Philadelphia, ss:*

Mr. John Gorman, 562 East Martin Street, Roxborough, Philadelphia 28, Pa., duly sworn, deposes and states:

I make this statement at the request of Mr. Herbert J. Rose, Jr., known to me to be an investigator for the United States Senate select committee, investigating into the improper activities of labor and management. This statement is made of my own free will, without any promise of favor or immunity. I have been informed and realize that this statement may be used and introduced into evidence in a public hearing before the United States Senate select committee investigating the improper activities of labor and management, and swear that the statements contained herein are true.

I am employed by the Horn & Hardart Baking Co. as a platform worker. I was first employed by this company in January 1952. In April 1955 I left my job as platform worker with the Corn & Hardart Baking Co. to do picketing with other Horn & Hardart Co. employees. I am a union member of local 107, Highway Truck Drivers and Helpers, which I joined in about June 1955. I received \$30 a week for picketing from local 107, and not \$60 or \$70. This was paid to me in cash in an envelope at the union organizing headquarters, located at that time on Locust Street. I signed my name to a list for each amount of \$30 that I received. I do not recall for how long I received \$30 a week from local 107.

I was not involved in any violence or property damage.

Sworn to before me this 23d day of August 1957.

JOHN GORMAN, *Affiant.*

MARY J. FITZMAURICE,

*Notary Public, Philadelphia, Philadelphia County.*

My commission expires March 17, 1959.

Is there anything further?

This will be printed in the record.

(At this point, the following members were present: Senators McClellan, Curtis, and Goldwater.)

Mr. KENNEDY. Just as an example, Mr. Chairman, he is listed in the June 10 records as receiving \$60; June 17, \$60; June 23, \$60; the next week, July 1, 1955, \$60; July 8, \$40.

Evidently, at least according to the information he gave, he was listed as receiving twice as much as he actually was getting.

The CHAIRMAN. I shall also insert in the record at this point the affidavit of Patrick Parker. I shall not read all of it.

It will be printed in the record at this point.

STATE OF PENNSYLVANIA,

*County of Philadelphia, ss:*

Mr. Patrick Parker, 2034 North 13th Street, Philadelphia, Pa., duly sworn, deposes and states:

I make this statement at the request of Mr. Herbert J. Rose, Jr., known to me to be an investigator for the United States Senate select committee, investigating into the improper activities of labor and management.

This statement is made of my own free will, without any promise of favor or immunity. I have been informed and realize that this statement may be used and introduced into evidence in a public hearing before the United States Senate select committee, investigating the improper activities of labor and management, and swear that the statements contained herein are true.

I am employed by the Horn & Hardart Baking Co. as a shipper, and I was first employed by this company in April 1953.

In March 1955, I voluntarily became a member of local 107, Highway Truck Drivers and Helpers.

In May 1955, I left my job with the Horn & Hardart Baking Co. and began picket duty with other pickets. My picketing duties were to walk around the Horn & Hardart Baking Co., at 10th and Locust Streets, and carry a picket sign.

I picketed during daytime hours, I also worked at odd jobs, principally at night, at such places as the warehouses of American Stores, Inc., and Atlantic & Pacific Tea Co.



Local 107 got these jobs for me. I picketed and did odd jobs for about a year until May 1956, when I returned to my job at the Horn & Hardart Baking Co.

I did not receive any moneys from local 107 or any union organization for my picketing. Specifically, I did not receive the following individual amounts at any time during the months of May, June, and July 1955:

Amount: \$70, \$60, \$60, \$30, \$30, \$60, \$60, \$60, \$40, \$40, \$30, \$30, \$45.

I was not involved in any incidents of threats or violence.

Sworn to before me this 23d day of August, 1957.

PATRICK PARKER,  
*Affiant.*

JULIUS O. RENETEMANN, Jr.  
*Notary Public, Philadelphia, Philadelphia County.*

My commission expires January 17, 1961.

The CHAIRMAN. He stated he is employed by Horn & Hardart Baking Co., as a shipper. He was first employed in 1953.

He says:

In May 1955, I left my job with the Horn & Hardart Baking Co., and began picket duty with other pickets.

My picketing duties were to walk around the Horn & Hardart Baking Co., at 10th and Locust Streets, and carry a picket sign.

He says he also worked at odd jobs and so forth and that he did not receive the excess amounts that are charged here to the union.

It can be copied in the record in full.

Proceed.

Mr. KENNEDY. That is all.

This gentleman over here said that he had given the affidavit and the affidavit is correct. You never received more than \$30 a week?

The CHAIRMAN. Is that correct?

Mr. GORMAN. Not that I know of.

The CHAIRMAN. How about you? \$30 is all you received?

Is that correct?

Mr. PARKER. I refuse to answer the question on the ground——

The CHAIRMAN. I didn't understand you.

Mr. PARKER. I refuse to answer that question on the grounds that it would stand against me.

The CHAIRMAN. Did you tell the truth when you gave the affidavit?

Mr. PARKER. I refuse to answer that question on the ground that the statement would be against me.

The CHAIRMAN. Stand aside.

Call the next witness.

Mr. KENNEDY. Mr. Thomas A. Keenan.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KEENAN. I do.

The CHAIRMAN. Be seated.

### TESTIMONY OF THOMAS A. KEENAN

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. KEENAN. Thomas A. Keenan, 1621 South Fraser Street, Philadelphia, Pa., Fairmount Park Cars.

The CHAIRMAN. What is your occupation?

Mr. KEENAN. Fairmount Park Cars, Philadelphia.

The CHAIRMAN. You waive counsel, do you?

Mr. KEENAN. Yes, sir.

The CHAIRMAN. Do you want a lawyer?

Mr. KEENAN. No, sir.

Mr. KENNEDY. You are employed at the Horn & Hardart Co., during 1955?

Mr. KEENAN. Yes, sir.

Mr. KENNEDY. And you went out on strike and joined local 107?

Mr. KEENAN. Yes, sir.

Mr. KENNEDY. And you went out on strike, is that right?

Mr. KEENAN. Yes, sir.

Mr. KENNEDY. You were one of the pickets?

Mr. KEENAN. Yes, sir.

Mr. KENNEDY. You carried a picket sign and walked up and down in front of the company for this period of time?

Mr. KEENAN. Yes, sir.

Mr. KENNEDY. For approximately 14 months, is that right?

Mr. KEENAN. That is right.

Mr. KENNEDY. During that period of time were you paid by the local union?

Mr. KEENAN. Yes, sir.

Mr. KENNEDY. You were paid how much per week?

Mr. KEENAN. \$30 a week.

Mr. KENNEDY. Did you ever receive more than that?

Mr. KEENAN. I believe twice, in the beginning of the spring, about \$45.

Mr. KENNEDY. Just for two weeks?

Mr. KEENAN. Just about two weeks.

Mr. KENNEDY. You were listed in these strike records as having received anywhere from \$30 to \$70 a week.

Did you ever receive as much as \$70 a week?

Mr. KEENAN. No, sir.

Mr. KENNEDY. Did you ever receive as much as \$60 a week?

Mr. KEENAN. No, sir.

Mr. KENNEDY. You are listed a number of times as receiving \$60 a week. You never received more than \$30, is that right, during that period of time?

Mr. KEENAN. That is right.

Mr. KENNEDY. So that these records that show that you received on occasion \$70 or \$60 or \$50 are incorrect, is that right?

Mr. KEENAN. Yes, sir; as far as I know they are.

Mr. KENNEDY. You appear without counsel. Had anybody approached you suggesting that they might represent you?

Mr. KEENAN. I believe one of the union lawyers asked me if I wished representation by him. I declined him. I said, "No."

Mr. KENNEDY. One of the union attorneys came to you and asked if you wanted to be represented by him?

Mr. KEENAN. Yes, sir.

Mr. KENNEDY. Are you a member of the local now?

Mr. KEENAN. No, sir.

Mr. KENNEDY. Would you pick out the union attorney who approached you?

Mr. KEENAN. The gentleman right there (pointing).

Mr. KENNEDY. He came up to you and asked if you wanted to be represented?

Mr. KEENAN. Yes, sir.

The CHAIRMAN. When did he do that?

Mr. KEENAN. I believe it was Friday, sir.

The CHAIRMAN. Last week?

Mr. KEENAN. Yes, sir.

The CHAIRMAN. You were here then?

Mr. KEENAN. Yes, sir.

The CHAIRMAN. When he found out you were going to be a witness he came up and asked you if he could represent you?

Mr. KEENAN. Yes, sir.

The CHAIRMAN. You declined?

Mr. KEENAN. Yes, sir.

The CHAIRMAN. Did he tell you that the union would pay his fee?

Mr. KEENAN. No, sir; he didn't. After I declined he said he wanted to speak to two other fellows and I went about my business.

The CHAIRMAN. What two other fellows?

Mr. KEENAN. Mr. Gorman and Mr. Parker.

The CHAIRMAN. The two that just testified? He went up to them after he had been talking to you?

Mr. KEENAN. After he found out I didn't want representation, he asked me to excuse myself and I guess they had business to talk over and I went about my business.

The CHAIRMAN. Did he ask the others in your presence whether they wanted an attorney or not?

Mr. KEENAN. No, sir; he didn't.

The CHAIRMAN. After you said you didn't want an attorney he sent you out?

Mr. KEENAN. He asked if I would excuse myself.

The CHAIRMAN. He asked if you would excuse yourself?

Mr. KEENAN. I went on about my business.

The CHAIRMAN. Get away where you couldn't hear what he was going to say to the others?

Mr. KEENAN. That is right. I was not interested in what he had to say to them.

The CHAIRMAN. Any other questions?

Senator CURTIS. Where did this all take place?

Mr. KEENAN. Right out in the other room, sir.

Senator CURTIS. In this building?

Mr. KEENAN. Yes, sir.

Senator CURTIS. Friday of last week?

Mr. KEENAN. Yes, sir; right outside the room.

Senator CURTIS. You were standing out there with these two other witnesses?

Mr. KEENAN. Yes, sir.

Senator CURTIS. Did you approach this attorney, or did he approach you?

Mr. KEENAN. I was standing talking to these two fellows, which I know, and he came over to me and asked me if I wished to be represented by him, and I said no.

Senator CURTIS. Had you seen him before?

Mr. KEENAN. Just walking around among the people.

Senator CURTIS. How did you know he was a union attorney? You had seen him around the hearings, had you?

Mr. KEENAN. I saw him at the hearings, yes. I imagine if he wanted to speak to those fellows, I imagine he was a union attorney.

Senator CURTIS. You have identified him as which man?

Mr. KEENAN. The gentleman sitting right there.

The CHAIRMAN. Let the record show, Mr. Reporter, the lawyer to whom he points is Mr. Markowitz.

Mr. Markowitz, I am sure, recognized that he was pointing directly at him. If there is any doubt about it, we will make the record clear.

Senator CURTIS. To your best recollection, what was the first thing he said to you when he came up?

Mr. KEENAN. Do you wish us to represent you, as far as I can remember, something to that effect?

Senator CURTIS. And you told him "no," and that was the end of it?

Mr. KEENAN. Yes, sir.

Senator CURTIS. And you went on so he could talk?

Mr. KEENAN. Yes, sir.

Senator CURTIS. Did he ask you to move on?

Mr. KEENAN. He said, "Will you excuse me?" I took the hint that he wanted to talk privately, so I went on with my business.

Senator CURTIS. Did you hear him ask anybody else if they wanted him to represent them?

Mr. KEENAN. No, sir.

Senator CURTIS. You didn't hear any conversation between this attorney and Mr. Gorman or Mr. Parker?

Mr. KEENAN. No, sir.

Senator CURTIS. Had you belonged to the union at any time?

Mr. KEENAN. Yes, sir. I belonged to the union in 1955 during the strike.

Senator CURTIS. When did you drop out of the union?

Mr. KEENAN. Thanksgiving of this past year, 1957.

Senator CURTIS. About the receipt of this money for picketing, where would you go to get your pay?

Mr. KEENAN. To the headquarters. They had a little office on Locust Street. They would bring the money down in envelopes. We would file in, sign for it, and receive our money.

Senator CURTIS. Would you open the envelope and count the money before you signed?

Mr. KEENAN. Yes, sir.

Senator CURTIS. What did you sign?

Mr. KEENAN. It was a sheet of paper, sir, with dividing lines on it and we signed our name.

Senator CURTIS. Did you put down anything beside your name?

Mr. KEENAN. I can't recall that, sir. It has been so long that I forgot exactly just what was on this.

Senator CURTIS. Was there any amount of money shown following your name?

Mr. KEENAN. Not that I can recall, sir.

Senator CURTIS. You considered at the time you were just signing for the envelope and its contents?

Mr. KEENAN. Yes, sir.

Senator CURTIS. I hold a paper here and one with lines. Now, on the second page, the third line, I wish you would examine that and let me know if it is your signature?

The CHAIRMAN. The Chair presents to you this document which reads:

The undersigned hereby certify that they have received amounts as indicated after their names for time lost due to organizing activities.

I will ask you if you will look at your name and see if that is your signature on the third line on the second page.

Mr. KEENAN. Yes, sir; it is.

Senator CURTIS. Is the \$70 written after your name your writing?

Mr. KEENAN. No, sir; it isn't.

Senator CURTIS. It is not?

Mr. KEENAN. No, sir; it isn't.

Senator CURTIS. What is your best recollection whether or not any figures were there when you signed?

Mr. KEENAN. I don't recall any of these figures being on the sheet whatsoever.

Senator CURTIS. The sheets that you saw as you recall just had the signatures and not the amount; is that correct?

Mr. KEENAN. As far as I can recall.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Let the Chair make this document exhibit No. 28, the document the witness identified.

(Document referred to was marked "Exhibit No. 28," for reference, and may be found in the files of the select committee.)

The CHAIRMAN. I believe you said that is your signature?

Mr. KEENAN. Yes, sir.

Senator CURTIS. Mr. Chairman, I think a rather serious question of legal ethics has been raised here in the matter of soliciting representation. Before it would be referred to any bar association or any State authorities, I do not know how they handle it in Pennsylvania, I think probably the attorney would want to make a statement.

Mr. KENNEDY. He has not requested it.

Mr. MARKOWITZ. Did you mention my name, sir?

Senator CURTIS. No; I didn't. The witness pointed out—

Mr. MARKOWITZ. You said something about a statement. I would like to make a statement when you finish with this witness.

The CHAIRMAN. All right. Any other questions of this witness?

Mr. KENNEDY. That is all.

The CHAIRMAN. The witness may stand aside.

Thank you. I want to compliment you, sir, for coming up here and telling the truth and helping us expose this obvious rascality that is going on. I wish you well, sir.

All right, Mr. Lawyer.

Senator CURTIS. Have you been sworn?

Mr. MARKOWITZ. I have not, sir.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate Select Committee, shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MARKOWITZ. I do.

The CHAIRMAN. Let us establish now whether you are appearing voluntarily.

Mr. MARKOWITZ. I am appearing voluntarily.



## TESTIMONY OF RICHARD H. MARKOWITZ

The CHAIRMAN. Be seated. State your name, your place of residence, and your occupation or business.

Mr. MARKOWITZ. Richard H. Markowitz, residence, 121 Woodpecker Road, Jenkintown, Pa., occupation is that of attorney.

The CHAIRMAN. Senator Curtis, proceed.

(At this point, the following members were present: Senators McClellan, Curtis and Goldwater.)

Senator CURTIS. Did you hear the testimony of Mr. Keenan?

Mr. MARKOWITZ. Substantially all of it, sir.

Senator CURTIS. Did you talk to him last Friday, adjacent to the committee room?

Mr. MARKOWITZ. My best recollection of that conversation, Senator, was that he and 2 other gentlemen were standing, and I approached the 3 of them and said to him, substantially these words, "You do not want us to represent you, do you?" And he said "No." I was at one time under the impression that he was a member of local 107, presently a member. I had previously spoken to the other 2 individuals who were standing with him, and was aware of their desire as to representation.

Senator CURTIS. Who told you of their desires?

Mr. MARKOWITZ. They had—I had discussed with them previously the problems relating to their appearance before this committee.

Senator CURTIS. Are they now members of the union?

Mr. MARKOWITZ. To my best knowledge, they are, sir.

Senator CURTIS. Where did you have this previous conversation?

Mr. MARKOWITZ. In the office of local 107.

Senator CURTIS. When?

Mr. MARKOWITZ. Some time, I think, Senator, during the week of April 6. I am not sure of the exact date. It may have been Saturday, April 12. I am not positive about that, however.

Senator CURTIS. Did they send for you?

Mr. MARKOWITZ. Did they send for me?

Senator CURTIS. Yes. Your office isn't in the union?

Mr. MARKOWITZ. My office is not in the union office; no, sir.

Senator CURTIS. Did they send for you?

Mr. MARKOWITZ. I would imagine the answer to that question would be that the union sent for me.

Senator CURTIS. The union sent for you?

Mr. MARKOWITZ. Yes, sir.

Senator CURTIS. Were they there when you got there?

Mr. MARKOWITZ. They were there, yes, sir.

Senator CURTIS. Who else was present?

Mr. MARKOWITZ. When I spoke to them?

Senator CURTIS. Yes.

Mr. MARKOWITZ. No one.

Senator CURTIS. Just the three of you in the room?

Mr. MARKOWITZ. Well, actually, I interviewed them individually.

Senator CURTIS. Who sent for you?

Mr. MARKOWITZ. Who sent for me?

Senator CURTIS. Yes.

Mr. MARKOWITZ. The union sent for me. I think I received a call from Mr. Hartsough, if I am not mistaken.

Senator CURTIS. What did he say to you?

Mr. MARKOWITZ. He asked me to come down to the union.

Senator CURTIS. Did he say what for?

Mr. MARKOWITZ. To—I don't recollect whether he said exactly what for or not. I think it may have been understood that it was to discuss some of these problems relating to their appearance as witnesses before this committee.

Senator CURTIS. Coming back to your conversation of last Friday with Mr. Keenan, the only substantial difference between his testimony and yours, as I understand it, is he says that you said to him "Do you want me to represent you," and you said "You don't want me to represent you?"

Is that right?

Mr. MARKOWITZ. My recollection, sir, is that I did not ask him if he wanted me to represent him in so many words. I was under the impression that he was a member of local 107, but I had also heard that it was not clear whether he wanted us to represent him or not. I was not seeking to represent him in the sense that I was seeking a client. I was merely confirming an impression or an undertaking that I had been given previously.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. Are there any further questions?

Mr. KENNEDY. You attended this meeting on Sunday, of local 107?

Mr. MARKOWITZ. Which meeting is that, sir? Last Sunday, do you mean? The 16th?

Mr. KENNEDY. Yes.

Mr. MARKOWITZ. Yes.

Mr. KENNEDY. You were present there?

Mr. MARKOWITZ. I was.

Mr. KENNEDY. Did you make a speech there?

Mr. MARKOWITZ. I did.

Mr. KENNEDY. You talked to them, and told them about the committee?

Mr. MARKOWITZ. I made a speech, yes.

Mr. KENNEDY. Did you tell them about the committee at that time?

Mr. MARKOWITZ. I am sure I mentioned the committee, yes.

Mr. KENNEDY. Did Mr. Carroll make a speech also?

Mr. MARKOWITZ. He did.

Mr. KENNEDY. Was it you that stated that the committee was attempting to break local 107?

Mr. MARKOWITZ. I don't believe that any such statement was made. I know that no such statement was made by me in those terms, in that language.

Mr. KENNEDY. Did Mr. Carroll make such a statement?

Mr. MARKOWITZ. I don't recollect that Mr. Carroll made any such statement.

Mr. KENNEDY. Did you recommend to the local that they should stand behind Raymond Cohen?

Mr. MARKOWITZ. I did not use those exact terms. I have no doubt that I would recommend to the local union, that I did recommend to the local union that they stay united in order to keep strong.

Mr. KENNEDY. And that would be behind Raymond Cohen?

Mr. MARKOWITZ. Well, that, of course, is your inference or your implication.

Mr. KENNEDY. Isn't that the impression that you sought to convey?

Mr. MARKOWITZ. You are dealing with vague impressions and theories. I think that any local union has to remain united and has to remain strong in order to continue to achieve its purpose in dealing with the employers and so on.

Mr. KENNEDY. This was a rally for Mr. Cohen, and you stated that they should remain united and strong. Obviously, you intended that they should remain united and strong behind Mr. Cohen, did you not?

Mr. MARKOWITZ. I don't think that that is a fair intention. I did not say it. I didn't understand—you asked, really, two questions in one. I did not understand that this was a rally for Mr. Cohen. I understood, and I am not sure, I could be incorrect, I at least had understood that this was a regular membership meeting of the local union.

Mr. KENNEDY. Do you also get up at meetings, every membership meeting, and tell everybody that they should remain united?

Mr. MARKOWITZ. I don't go to that many membership meetings, and I don't make that many speeches at local union meetings. I have made some, and I think I have told a number of other local unions that they should remain united and should remain strong in order to continue to achieve the purpose for which they exist.

Mr. KENNEDY. It was in connection with this committee's investigation, was it not?

Mr. MARKOWITZ. Was what in connection?

Mr. KENNEDY. This statement by you?

Mr. MARKOWITZ. I don't think that it was in any direct connection with this committee's investigation, no. I am not attempting to be evasive, Mr. Kennedy.

Mr. KENNEDY. Obviously you are, if you are saying that the membership should remain united, and Mr. Cohen at that time, and some of the leadership, are under fire. You go to a meeting which is run by Mr. Cohen and state that the membership should remain united and then you came before this committee and say you had no intention to convey the fact that you wanted them to remain united behind Mr. Cohen. That doesn't make sense.

Mr. MARKOWITZ. Mr. Kennedy, let me say this to you, and I want to make this clear. I represent a large number of labor unions and I do not get involved in any internal political battles in any labor unions. It seems to me that would not be conducive to continuing to represent unions. I think, very frankly, you are being somewhat argumentative in the type of question you are asking. I don't think that it takes of a fair answer.

Mr. KENNEDY. Let me ask you this: Did either you or Mr. Carroll indicate to the membership that the committee was attempting to break the union, hurt the union?

Mr. MARKOWITZ. I think that I may have expressed a personal opinion that I thought that this committee was attempting to secure what I termed antilabor legislation. That is, of course, a personal opinion.

Mr. KENNEDY. Did you say some nice things about Mr. Cohen when you spoke?

Mr. MARKOWITZ. I don't think I mentioned Mr. Cohen.

Mr. KENNEDY. What about Mr. Carroll?

Mr. MARKOWITZ. I don't recollect that Mr. Carroll said anything about Mr. Cohen, other than I do recall that he gave an example of the use of the fifth amendment to the membership and did mention Mr. Cohen's name in so doing.

Mr. KENNEDY. What was the purpose of giving that example?

Mr. MARKOWITZ. Well, I can't tell you his purpose in giving the example.

Mr. KENNEDY. What impression did you get from the example that he gave?

Mr. MARKOWITZ. Well, the impression, my impression, was that innocent men might very well plead the fifth amendment.

Mr. KENNEDY. After saying or making these speeches you two attorneys going there and talking to this group, this organization, did the union vote you any further compensation for the fine services that you have been performing, for Mr. Cohen?

Mr. MARKOWITZ. Yes, they did.

Mr. KENNEDY. They did. Well, that was nice.

Mr. MARKOWITZ. I appreciated it.

Mr. KENNEDY. What did they give you?

Mr. MARKOWITZ. I think after I finished speaking, the president, Mr. Grace, suggested that the attorneys be given an increase of \$1,000 per year in their retainer, and this was approved. I assure you, it was entirely unsolicited.

Mr. KENNEDY. Mr. Chairman, I just think that what has happened here over the past week, and the testimony of this witness going to this rally for Mr. Cohen, and during a period of time in which he is being criticized by the committee, during the period of time when there is evidence of forgeries, alterations, mass misuse of union funds, and these two attorneys go and make a speech, both make talks critical of the committee, and praising Mr. Cohen, either directly or by inference, and then receiving \$1,000 as they do, \$1,000 extra, makes them parties to this whole matter, conspirators, if you will, in this whole investigation.

Mr. CARROLL. May I speak to that, sir?

Senator CURTIS. May I ask the witness one question before that.

Was this the same meeting at which they hung the chairman of this committee in effigy?

Mr. MARKOWITZ. I guess it was; yes, sir.

Senator CURTIS. You were present when it was done?

Mr. MARKOWITZ. It wasn't done at the meeting. Apparently it was done before. I was not present when it was done.

(At this point, Senator Kennedy entered the hearing room.)

The CHAIRMAN. Let the Chairman make an observation. First, that is the way I would like it to be. I regard it as a high compliment. I don't know what they had in mind, but if they felt that way toward me because I am trying to clean up this union, because I am trying to expose the rascality, the thievery, the very scum of union behavior, if they want to hang me in effigy because I am doing that, I regard it as one of the finest compliments, and certainly it is evidence that we are being a little bit effective up here.

Mr. CARROLL. May I speak, sir?

The CHAIRMAN. Do you want to speak or be sworn to testify?

Mr. CARROLL. I have already been sworn.



The CHAIRMAN. What are you doing, testifying or speaking?

Mr. CARROLL. Whichever you prefer.

The CHAIRMAN. I don't care. I am not ask you to do anything. You are making the request.

Mr. CARROLL. You might as well consider it under oath.

The CHAIRMAN. All right.

#### TESTIMONY OF JOHN ROGERS CARROLL—Resumed

Mr. CARROLL. A question has been raised as to what I said last Sunday. Never having been to a union meeting, I didn't know just what to say, but my purpose in going there was to tell those people what this committee had said about the conflict of interest, and to find out what they wanted to do about it. I explained to them something about the fifth amendment, and my recollection is that that is the only connection in which I used Mr. Cohen's name as a hypothetical character in a murder case, and then explained both the chairman's views and Senator Kennedy's views on the conflict of interest. I told the membership that if they thought that they wanted Mr. Markowitz and me to quit, we would do it.

If they wanted us to stay on, we would do that, subject to any further opinion of the bar association.

Senator KENNEDY. Did you make any statements about Mr. Cohen's innocence or guilt or presumption of innocence?

Mr. CARROLL. I did not, to my recollection, sir, make any such statement. I explained how the fifth amendment could be used by persons who were innocent, for the purpose of saying to them that inferences of guilt are not permissible from the use of the fifth amendment.

Senator KENNEDY. The problem, of course, is that you refused to permit the press to be present, and I understand that Mr. Cohen said that a deal was attempted to have been made here by members of the committee. I knew he was going to say that.

Mr. CARROLL. Mr. Cohen accurately stated both your suggestion to him and the chairman's.

Senator KENNEDY. Well, I will take your word for that.

Mr. CARROLL. You may.

Senator KENNEDY. It is impossible for us to tell exactly what you said, because the press was denied admission to this meeting.

Mr. CARROLL. The press were told immediately afterward exactly what was said, the same thing I am telling you now.

Senator KENNEDY. The point is, I would like to have heard your speech, or read a text of your speech. It all depends on how you put it to the members. If you stated the fifth amendment could be used by those who were innocent, and remarks were made that this committee was attempting to destroy this union, and you were attempting to preserve the union, it is very easy to get a vote of confidence from them, because you know the record and they don't know the record.

You have been before this committee. You heard about the \$250,000; you heard about the \$31,000 to the 16 delegates; you heard about all the suits, the yachts, the yachts of Mr. Cohen, and so on.

You are aware of how this union is being run. It must be a concern to you as an officer of the bar.



Therefore, for you to participate in this meeting, in the fashion that you did, and to end up by having your fee raised \$1,000, it indicates to me that you have not met your responsibilities as a member of the bar, having read the newspaper stories of what occurred last Sunday.

Mr. CARROLL. Senator, as a matter of fact, not only do Mr. Markowitz and I feel that we have met our responsibilities, but in view of the provision of canon 6, about the disclosure of possible conflicting interest, I think it was our duty to go there and tell them precisely what we did. It was precisely in accordance with the terms of canon 6 of the American Bar Association canons of ethics.

Senator KENNEDY. Did you mention any concern you might have over the way the funds of this union have been used?

Mr. CARROLL. I told the entire membership there present that I thought that their officers had a duty under their constitution to account to them for every single penny, and I went so far, on Mr. Cohen's behalf, as to promise that he would do that.

Senator KENNEDY. Did you talk to them about the forgeries?

Mr. CARROLL. I don't think I mentioned it, Senator, but they read the papers.

Senator KENNEDY. Did you talk to them about the alteration of names?

Mr. CARROLL. I didn't get into the evidence at all.

Senator KENNEDY. That seems to me to be the issue. I think even recognizing your responsibility as an attorney, I think you must, as an officer of the union, in a sense, be concerned about the obvious mis-handling of thousands and hundreds of thousands of dollars of union funds.

Now you come down after being on the payroll of this union for 4 or 5 years, and then you come in here to represent the officers and they refuse to answer a lawfully constituted committee of the Congress, and then you go up there Sunday and have your fee raised \$1,000.

Mr. CARROLL. That was entirely without my doing. I had absolutely no voice in it, nothing to say about it.

(At this point, the following were present: Senators McClellan, Senator Kennedy, and Senator Goldwater.)

Senator KENNEDY. You can talk all you want.

Mr. CARROLL. I may yet refuse it.

Senator KENNEDY. You can talk all you want about the presumption of innocence. You know the facts in this matter. They have been brought to your attention. You know about the changing in names. You know about the over \$250,000 in cash and the way it was handled. You know about \$31,000 for 5 days expenses for 16 delegates. You know those facts; when you talk about the presumption of innocence, you are talking about a legal protection of someone who can be guilty or innocent not to testify against themselves. You as an attorney for 5 years of this union must be concerned about what has happened. Instead of being concerned about what happened you go up and get your fee increased by \$1,000.

Mr. CARROLL. Senator, I guess it is recognized as argument. My view of this evidence and yours may be quite different. There is no evidence before this committee as to who put those names on checks, as to how it was done, as to when figures were changed or by whom.

You may draw conclusions from it but I don't think they are justified, sir. I look at it from the somewhat different point of view.

The CHAIRMAN. You think it is justified to assume that somebody has been robbing that union?

Mr. CARROLL. I am not persuaded of it, Senator.

The CHAIRMAN. You are not. You think everything is honest and above board.

Mr. CARROLL. As far as I know.

Senator KENNEDY. As far as you know everything in the administration of this union, from what the lawyer said, has been above-board. Is that correct? Is that your statement?

Mr. CARROLL. I have said, Senator, as far as I know, and I told you last week when you asked about it—please don't make me the book-keeper or accountant for this union.

Senator KENNEDY. I understand the beginning of the week. You have had the record brought before you. You considered it. You have seen the thousands of dollars of checks to cash drawn, no one knows where. When we ask about it and are refused an answer then you tell us in your opinion, and I hope it is on the record, and it is on the record, that the affairs of this union are run in an aboveboard fashion. I would think that under those circumstances your compensation might be increased but I don't think you are representing the best interests of the members.

The CHAIRMAN. Any other questions?

The committee will stand in recess until 10:30 tomorrow morning and we will meet here in this room.

(Whereupon, at 5:05 p. m. the committee recessed, to reconvene at 10:30 a. m. Wednesday, April 23, 1958. At the recess the following members were present: Senators McClellan, Kennedy, and Goldwater.)



## EXHIBIT No. 1

10795

## EXHIBIT No. 1A

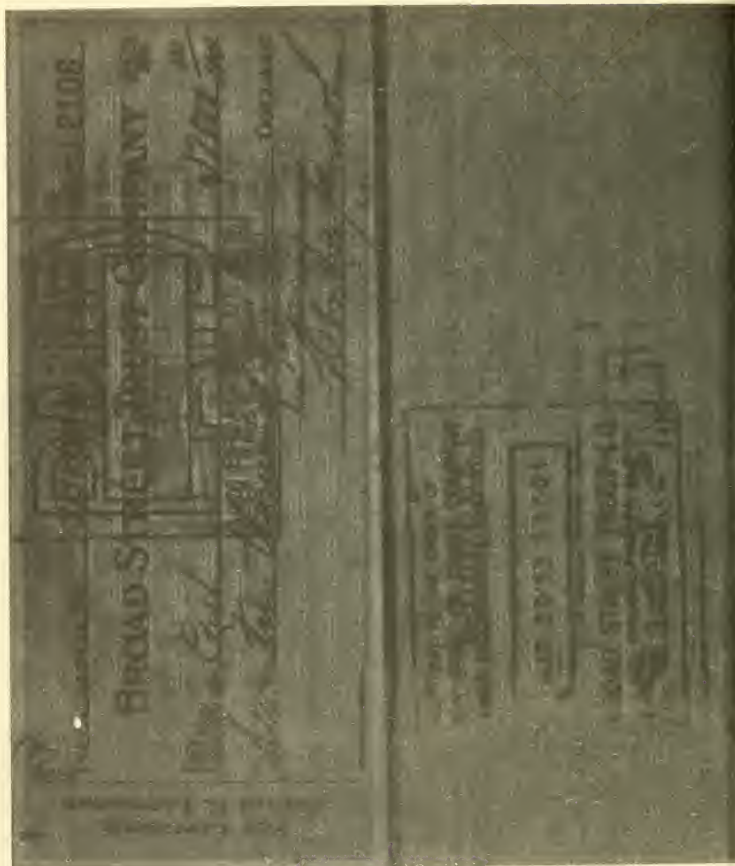




EXHIBIT No. 4

TRADESMEN'S LAND TITLE BANK AND TRUST COMPANY PHILADELPHIA		No. 8622 June 10 1954 Cash	
PAY TO THE ORDER OF \$ 15,000		8622 3-5 310	
FIFTEEN THOUSAND AND NO CENTS		DOLLARS	
TRADESMEN'S LAND TITLE BANK AND TRUST COMPANY PHILADELPHIA		RICHARD L. BELL, PRESIDENT & MANAGER UNION NO. 100 Raymond Cohen SECRETARY Treasurer Joseph E. Hearn VICE-PRESIDENT	
PAY TO THE ORDER OF \$ 15,000		Joseph E. Hearn	
TRADESMEN'S LAND TITLE BANK AND TRUST COMPANY PHILADELPHIA		No. 8622 June 10 1954 Cash	
PAY TO THE ORDER OF \$ 15,000		8622 3-5 310	
FIFTEEN THOUSAND AND NO CENTS		DOLLARS	
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PAY TO THE ORDER OF \$ 15,000		Joseph E. Hearn	
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PAY TO THE ORDER OF \$ 15,000		Joseph E. Hearn	
TRADESMEN'S LAND TITLE BANK AND TRUST COMPANY PHILADELPHIA		No. 8622 June 10 1954 Cash	
PAY TO THE ORDER OF \$ 15,000		8622 3-5 310	
FIFTEEN THOUSAND AND NO CENTS		DOLLARS	
TRADESMEN'S LAND TITLE BANK AND TRUST COMPANY PHILADELPHIA		RICHARD L. BELL, PRESIDENT & MANAGER UNION NO. 100 Raymond Cohen SECRETARY Treasurer Joseph E. Hearn VICE-PRESIDENT	
PAY TO THE ORDER OF \$ 15,000		Joseph E. Hearn	

## EXHIBIT No. 4A

[illegible]

EXHIBIT No. 6

PAY TO THE ORDER OF		PHILADELPHIA, PA. June 3 1935 \$ 150.00	No. 11934 3-5 310
HERRMAN TRUCK DRIVERS & HELPERS LOCAL UNION NO. 107 L. E. T. C. W. & H. OF AMERICA AFFILIATED WITH A. F. 30 L.		EXACTLY \$ 150.00 CTS HERRMAN TRUCK DRIVERS & HELPERS LOCAL UNION NO. 107	DOLLARS
TALLESMAN'S Land Title Bank and Trust Company Philadelphia		PRESIDENT VICE PRESIDENT	TREASURER

David Heinies

FOR DEPOSIT ONLY  
TO THE FRONT OF  
BOOKBINDER'S RESTAURANT  
125 Walnut Street

THE PENNSYLVANIA COMPANY  
P.O. BOX 1000  
PHILADELPHIA, PA.  
JAN 3 1902

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FOR THE PRESERVATION OF THE NATIONAL ARCHIVES  
FEDERAL DEPOSIT

11-11-55

No. 11-11-55

May 20 1955

200.2

TRADESMEN'S LAND TITLE  
Bank and Trust Company

David Kanner

HIGHWAY TRUCK DRIVER  
& HELPERS LOCAL No. 111  
185 SPRING GARDEN STREET  
PHILADELPHIA 24, PA.

TRADESMEN'S LAND TITLE  
BANK AND TRUST COMPANY

PH 567





EXHIBIT No. 6C

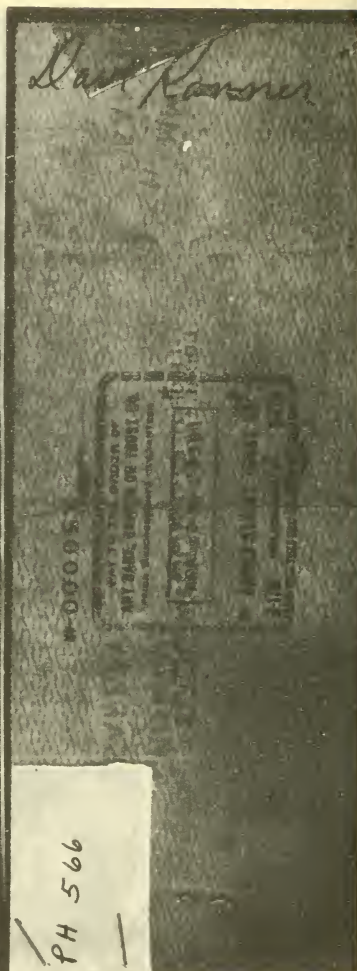


EXHIBIT No. 6D

Dave Kanner  
Dave Kanner  
Dave Kanner

Dave Kanner

David Kanner  
David Kanner  
David Kanner

David Kanner

The above signatures of David Kanner were taken in my presence on February 27, 1958.

  
Alfred Vitarelli  
Staff Member

Dave Ranner

EXHIBIT No. 7

8-21-56

**Highway Truck Drivers and Helpers Local 107**  
NO. 1360  
 Affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, A. F. of L.  
 PHILADELPHIA 23, PA.

**JOSEPH E. KATZ**  
 PAY TO THE ORDER OF  
 TO THE TRUST COMPANY  
 OF PHILADELPHIA, PA.

**DATE January 10, 1956**

**AMOUNT \$1,000.00**

**FOR DEPOSIT ONLY**

**Highway Truck Drivers and Helpers Local 107**  
*Raymond E. Katz*  
*Joseph E. Katz*

**TO BROAD STREET TRUST COMPANY**  
 PHILADELPHIA, PA.

**BROAD STREET TRUST**  
 PHILADELPHIA, PA.

**FOR DEPOSIT ONLY**  
 JAN 13 1956

**10805-1**

EXHIBIT No. 7A

95-72651 K5 AX

FBI

LABORATORY

States Senate

## MEMORANDUM

Joseph Katz  
Joseph Katz  
Joseph Katz  
Joseph Katz  
Joseph Katz  
Joseph Katz

George F. West  
George L. Nash

These true signatures of Joseph Katz made in my presence March 31, 1952.



## EXHIBIT No. 8

October 17, 1956

The undersigned hereby certify that they have received amounts as indicated after their signatures for organizing expenses.

Berman

A. Berman

E. Bettisfore

E. Bettisfore

Walter J. Baker

Walter J. Baker

Charles Clear

Charles Clear

Harry Penrose

Harry Penrose

Michael Messian

Michael Messian

Walter C. Crawford

Walter C. Crawford

Elwood W. Craig

Elwood W. Craig

Raymond Cohen

Raymond Cohen

Edward F. Walker

Edward F. Walker

# 3962 Sept 13, 1956  
Total \$1500

EXHIBIT No. 10A



EXHIBIT No. 10B

2423

PHILADELPHIA, PA. 12/6/58

BROAD STREET TRUST COMPANY

Pay to the order of *Charles E. Lapp*

*Four hundred and no/100*

*Wm. J. Lapp*

FOUR HUNDRED AND NO/100 DOLLARS

RECEIVED

DEC 6 1958

3175

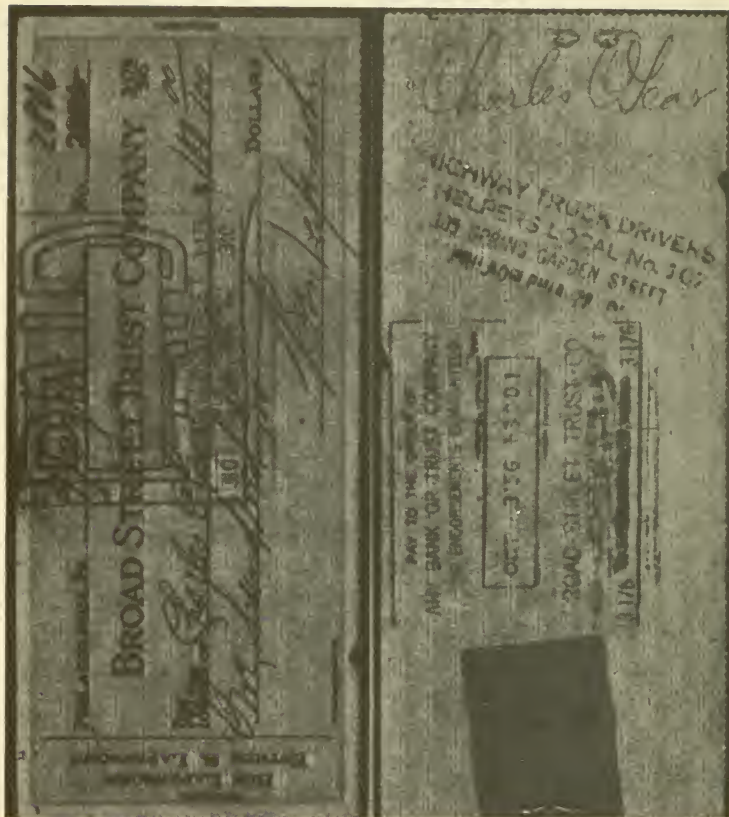
BROAD STREET TRUST CO.

PHILADELPHIA, PA.

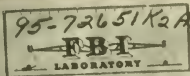
DEC 6 1958

3175

## EXHIBIT No. 10C



## EXHIBIT No. 13



Joseph E. Grace

Joseph E. Grace

Joseph E. Grace

Joseph E. Grace

Joseph E. Grace

The above are five specimen signatures written by Joseph E. Grace while seated at a writing desk in his home. The signatures were written at 8:30 P.M. on March 4, 1958.

J. B. Flanagan



LOCAL 100, I. B. T. C. W. AND H. O. F. A.  
AFFILIATED WITH  
AMERICAN FEDERATION OF LABOR  
1230-41 WEST GRAND AVENUE  
PHILADELPHIA 23, PA.

PHILADELPHIA, PA. 4/9 1886 No. 9959  
BROAD STREET TRUST COMPANY  
PHILADELPHIA, PA.  
PAY TO THE  
ORDER OF *Raymond Cohen* \$2000  
2000  
3116 BROAD STREET 176  
310 TRUST COMPANY  
310 PHILADELPHIA, PA. 19  
DOLLARS  
Raymond Cohen  
Authorized Signatory  
2000  
2000

Raymond Cohen  
Vouched for by  
Franky Burg  
in L.C.M. 160

[illegible]

Raymond Cohen

THE ABOVE IS NOT TRUE. REMITS TO TRANSFER  
FUND INCORPORATED INCORPORATED  
TRANSFER LAND TITLE BANK & TRUST CO  
FUND, 400 E. LEXA, PA  
3-5



## EXHIBIT No. 17

January 12, 1954.

The regular Executive Board meeting was held in the union office board room, with President Hartsough in the chair. All members of the board were present.

V.P. Keane reported for the shops covered by himself and Padigan, and before adjournment would make a suggestion as to the manner in which the situation at Philadelphia Wool could be handled.

Brother Bonner made no report.

The financial report as read by Brother Burdy for receipts and expenditures was approved as read, as was a motion to pay the current bills. The report showed a balance of \$99,000.00 in the strike fund, and total assets of \$106,500.00 plus the building. The chair remarked about the financial report in reference to certain recommendations he would propose later at this meeting.

Brother C'Hara outlined the problems at Asco #4, and Brother Morris followed with a report of his activities at Burlington.

The President in making his report, called attention to the financial state of the union and urged the board to make these recommendations to the general meeting on Sunday:

#1. A recommendation that the Craftsman's Insurance on the members be abolished as of March 1, 1954, motion by Padigan was seconded by Burdy and passed.

#2. After Brother Keane enlarged on the situation at P.W.S., he suggested the union pay from the strike fund \$20.00 for the first week of the lock-out thereby providing some relief until the members would be eligible for Unemployment Compensation. The chair collaborated on this suggestion in the form of a recommendation to the general meeting. Brother Padigan moved concurrence of the recommendation, it was seconded and passed.

#3. This third resolution dealt with the local disturbance surrounding the election proceedings at Highway Truck Drivers Local 107. After his explanation and a lengthy discussion which consumed almost an hour, the board went on record to support Brother Raymond Cohen in his fight to uphold the election, and do everything in our power to bring about such a result. A two-thousand (\$2,000.00) loan was granted for this purpose.

These recommendations as outlined, were to be brought to the attention of the general membership for further action.

There being no further business the meeting adjourned.

*Edio Padigan*

## EXHIBIT No. 18

February 9, 1954.

The regular Executive Board meeting was held on the above date.

All members of the board were present.

The minutes of the January meeting were approved as read.

The financial report revealed the general account \$6,566.85 and \$101,142.00 in the defense fund. The report as read by Brother Burdy was approved, along with payment of current bills and loan to Brother Cohen upon signature of bond moved by Horner, seconded by Keane. Amount to be loaned - one thousand dollars (\$1,000.00).

Brother Horner made no report at this time.

Brother Burdy reported slow progress in getting set-up for the new system of book-keeping.

Brother Morris reported Eheen's had rehired approximately 400 people, and a dues drive was now in the making. He was attempting to systematize the recall, to keep a closer check on delinquent members. \$700.00 was already collected with nearly \$3,300.00 still outstanding. The probationary clause was explained to Brother Morris by Horner and Padigan. Brother Morris also brought out an administrative problem at the Burlington office.

Brother O'Hara's report consisted of a coming argument in reference to Craftsman's Insurance.

Brother Keane reported general unrest, also reported favorable progress in the jurisdiction disputes with Longshoremen. Horner supplemented this report.

Brother Hartsough centered his report about the Eastern States Conference, he was expected to be in Miami to discuss certain matters with Gibbons and Beck. A motion to send the Chairman and V.P. Keane to Florida to follow up on this report was made by Brother Morris, seconded by Horner and carried.

Brother Keane moved Brother Burdy be increased \$25.00 per week and after a short discussion on this subject, the motion was seconded by Horner and carried.

A question of life insurance by O'Hara was brought out. He stated that Brother Horner and O'Hara were not covered and would the board consider doing so? The board as a whole recognized the oversight, and in a general way, consented to explore the possibility. Various Companies would be contacted and if possible, have them insured either in February or March.

The Executive Board report to the general membership was held over until a complete job could be done upon the return of Hartsough and Keane.

A motion to adjourn was moved, seconded and carried.

*Edw. J. Padigan*



## EXHIBIT No. 19

March 10, 1954

The regular Executive Board meeting of our union was held on the above date, after having postponed the meeting from March 9, 1954.

Members present: Edw. Hartsough, Frank Keane, Edw. Padigan, Frank Burdy, Andrew O'Hara, Nate Harner, and John Morris.

The minutes of the February meeting were moved, dispensed, until the next meeting.

The financial report revealed the general account balance was \$5,636.85, the strike fund found \$107,196.00. Approved also, was the 1953 report, plus to publish it in the Credit Union Magazine. President Hartsough suggested an outside auditing firm be engaged to audit the books of the local and render its report. The current bills and expenses were moved paid, seconded and carried.

The policy of assisting Brother Cohen was reaffirmed, in every way.

Flowers for members was discussed, approved on the individual basis.

There being no farther business, the meeting adjourned.

*Edw. Padigan*



No. 937 OCEAN CITY, N.J. Jan 12 1935 33-572  
312

THE NATIONAL BANK OF OCEAN CITY

PAY TO THE ORDER OF B. Lafaneoch \$2000<sup>00</sup>/<sub>100</sub>

Two Thousand DOLLARS

Wm. J. Hartough

B. Lafaneoch  
Ben Lafaneoch

3-4 BANK OF TRUST COMPANY  
JAN 15 55 C  
FEDERAL RESERVE BANK 66607  
3 PENNSYLVANIA TRUST CO.  
3-176

EXHIBIT No. 22

<p>8731</p>		<p>107 No.</p>	
<p>310</p>		<p>6/25 1954</p>	
<p>2</p>		<p>9/5/54</p>	
<p>TRADESMAN LTD. LTD.</p>		<p>100 DOLLARS</p>	
<p>Rock and Ice Company</p>		<p>Payroll Office</p>	
<p>Philadelphia</p>		<p>THOMAS D. McRae</p>	
<p>retained as of December 1, 1953</p>		<p>Council for Local 107</p>	
<p>75</p>		<p>75</p>	

EXHIBIT No. 23A

# Highway Truck Drivers and Helpers Local 107

Affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, A.F. of L., PHILADELPHIA 23, PA.

JAN 10 1957

PAY

Thomas D. McBride

TO THE  
ORDER  
OF

IBOFT  
LOCAL 107  
3176

AMOUNT \$1,250.00

HIGHWAY TRUCK DRIVERS AND HELPERS LOCAL 107

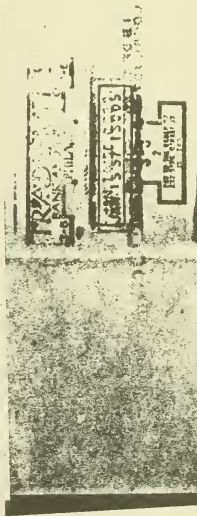
SECRETARY

PRESIDENT

*310 approved Letter  
Jungel & Grace*

TO BROAD STREET TRUST COMPANY  
PHILADELPHIA, PA.

FOR DEPOSIT ONLY  
McBRIDE, von MOSCHOWSKY & BROS.





# Highway Truck Drivers and Helpers Local 107

Affiliated with International Brotherhood of Teamsters, Local 107, Philadelphia, PA.

PHILADELPHIA 23, PA.

DATED February 6, 1957

PAY

THOMAS D. MCBRIDE

TO THE  
ORDER OF

FEB 14 1957  
LOCAL 107

AMOUNT \$1,250.00

HIGHWAY TRUCK DRIVERS AND HELPERS LOCAL 107

SECRETARY

PRESIDENT

TO BROAD STREET TRUST COMPANY  
PHILADELPHIA, PA.

*Raymond E. Grace*

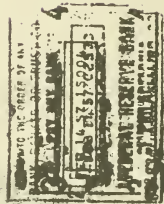


EXHIBIT No. 23C

# Highway Truck Drivers and Helpers Local 107

Affiliated with International Brotherhood of Teamsters, Checkers, Warehousemen and Helpers of America, A.F. of L.

PHILADELPHIA 33, PA.

PAY

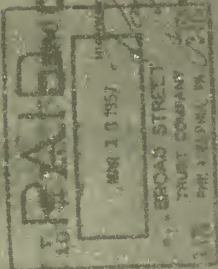
THOMAS D. MCERIDE

to the  
check  
for

LOCAL 107

DATE March 4, 1957

AMOUNT \$1,250.00



TO BROAD STREET TRUST COMPANY  
PHILADELPHIA PA

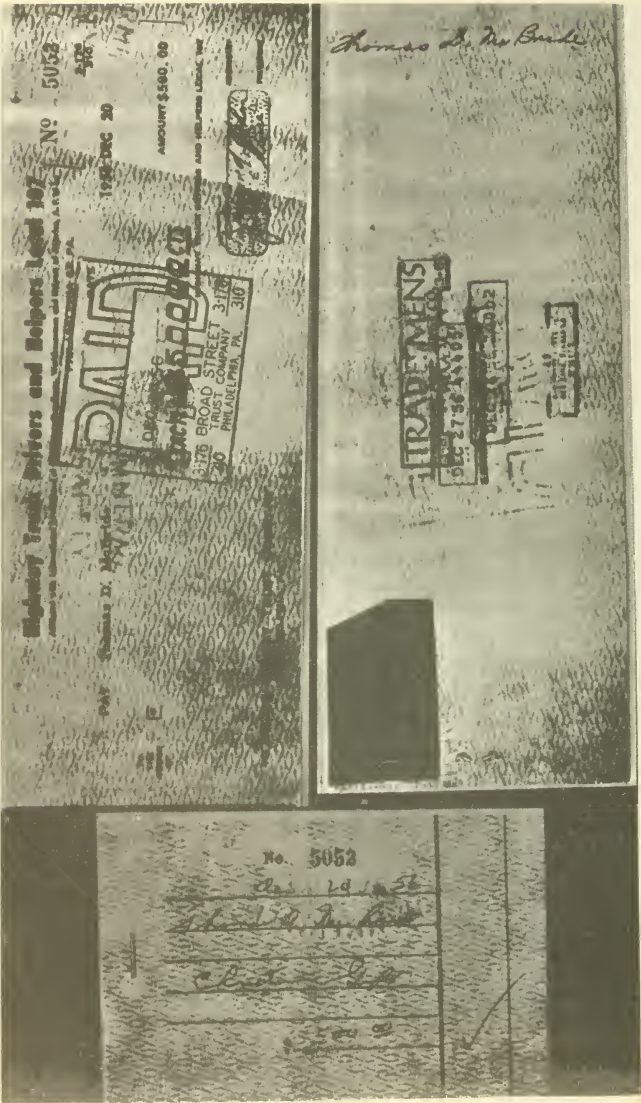
HIGHWAY TRUCK DRIVERS AND HELPERS LOCAL 107

*Thomas D. McEride*

*Thomas D. McEride*



EXHIBIT No. 23D





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